5:45-6:15

Break before working dinner

6:15-7:45

Working Dinner

-Discussion-Logo

-Discussion-Stationery -Discussion-Calling card

Presentation of status of Executive Director search and screening and status of WHCLIS staffing

8:00-8:30

Report on WHCLIST Aug. 17-19, 1989 Meeting in Portland, Oregon by Ed Gleaves 8:30-9:00

Report on agreements with the Federal support for the States and Territories by Frank Stevens

9:00

Adjourn

Thursday, Sept. 21, 1989

9:00-9:40

Presentation of role of statistics related to WHCLIS-John Lorenz & Larry LaMoure

9:40-10:00

Consider sole-source procurement for purpose of a planning project on objectives and goals of WHCLIS

10:00-10:10

Break

10:10-11:00

Guests, written comments, questions, and dialogue

11:00-11:10

Should WHCLIS consider a monthly newsletter; Distribution of newsletter (a) State Librarians

(b) Members of WHCLIST (c) Governor's letter distribution list

11:10-11:25

Report on responses of Governor's letter of August 25, 1989

11:25-12:00

Consideration of commerical venders for profit as exhibitors at WHCLIS. Should WHCLIS encourage planning consultants to plan and run exhibits?

12:00-1:30

Working lunch

(a) Report by individual WHCAC members on State activities regarding WHCLIS

1:30-1:40

Report on new WHCLIS staff's space and phone service

1:40-1:50

Progress on WHCAC and procedures manual 1:50-2:10

Break

2:10-2:40

Status report on administrative items (a) Appointment affidavit forms

(b) Confidential Statement of Employment and Financial Interest (ED form EP3) (c) Signature of form on Ethical Conduct

(d) Travel forms

(e) Other additional forms by John W.A. Parsons, White House Conference Special Assistant

2:40-3:00

Old business

3:00-3:20

New business

3:20-3:30

WHCAC-Chairman's summary remarks, Daniel H. Carter

3:30

Set next meeting date and adjourn

[FR Doc. 89-20707 Filed 8-29-89; 4:21 pm] BILLING CODE 7527-01-M

NATIONAL CREDIT UNION **ADMINISTRATION**

Notice of Meeting

TIME AND DATE: 9:30 a.m., Thursday, September 7, 1989.

PLACE: Filene Board Room, 7th Floor, 1776 G Street, NW., Washington, DC. 20456.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed

2. Central Liquidity Facility Lines of Credit for FY 1990. Closed pursuant to exemptions (4) and (9)(A)(ii).

3. Appeal of Regional Director's Approval of FOM Amendment. Closed pursuant to exemptions (8) and (9)(A)(ii).

4. Appeal of Regional Director's Decision on Merger Bid. Closed pursuant to exemptions (8) and (9)(A)(ii).

5. Administrative Action under Sections 116 and 208 of the FCU Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

6. Administrative Actions under Section 206 of the FCU Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).

7. Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (202) 682-9600.

Becky Baker,

Secretary of the Board.

[FR Doc. 89-20760 Filed 8-30-89; 8:45 am] BILLING CODE 7535-01-M

RAILROAD RETIREMENT BOARD

Notice of Public Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on September 7, 1989, 9:00 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611. The agenda for this meeting follows:

Portion Open to the Public

(1) Moving Expense Reimbursement.

(2) Regulations-Parts 202 and 301, **Employers Under the Railroad Retirement** Act and Railroad Unemployment Insurance

(3) Regulations—Part 203, Employees Under the Act.

(4) Regulations—Part 212, Military Service. (5) Regulations-Part 216, Eligibility for an Annuity.

(6) Regulations-Part 255, Recovery of Overpayments.

Portion Closed to the Public

(A) Appeal from Referee's Denial of Disability Annuity, Kenneth R. Finnission.
(B) Appeal of Nonwaiver of Overpayment, Charles Motkowski.

The person to contact for more information is Beatrice Ezerski, Secretary to the Board, COM No. 312-751-4920, FTS No. 386-4920.

Dated: August 29, 1989.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 89-20749 Filed 8-30-89; 2:33 pm] BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of September 5, 1989.

A closed meeting will be held on Wednesday, September 6, 1989, at 2:30

The Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (4), (8), (9)(i), and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Cox, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday September 6, 1989, at 2:30 p.m., will be:

Regulatory matter regarding financial institution.

Settlement of administrative proceedings of an enforcement nature.

Institution of injunctive actions. Settlement of injunctive action.

Institution of administrative proceedings of an enforcement nature.

Discussion of enforcement matter.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Daniel Hirsch at (202) 272–2100.

Dated: August 29, 1989.
Shirley E. Hollis,
Assistant Secretary.
[FR Doc. 89–20820 Filed 8–30–89; 3:49 pm]
BILLING CODE 5010–01–M



Friday September 1, 1989

Part II

Department of Health and Human Services

Health Care Financing Administration

42 CFR Part 412

Medicare Program; Changes to the Inpatient Hospital Prospective Payment System for Fiscal Year 1990 Rates; Final Rule



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 412

[BPD-630-F]

RIN 0938-AE02

Medicare Program; Changes to the Inpatient Hospital Prospective Payment System and Fiscal Year 1990 Rates

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule.

SUMMARY: We are revising the Medicare inpatient hospital prospective payment system to implement necessary changes arising from legislation and our continuing experience with the system. In addition, in the addendum to this final rule, we describe changes in the amounts and factors necessary to determine prospective payment rates for Medicare inpatient hospital services. In general, these changes are applicable to discharges occurring on or after October 1, 1989. We also set forth the rate-ofincrease limits for hospitals and hospital units excluded from the prospective payment system.

EFFECTIVE DATE: This final rule is effective on October 1, 1989, except for 42 CFR 412.116, which is effective September 1, 1989.

FOR FURTHER INFORMATION CONTACT:

John Eppinger—Cancer Hospitals (301) 966–4516.

Linda McKenna—Interim Payment for Usually Long Lengths of Stay (301) 966– 4530.

Barbara Wynn—All Other Issues (301) 966-4529.

ADDRESSES: To obtain individual copies of this document, contact the following: Superintendent of Documents, U.S.

Government Printing Office,

Washington, DC 20402, (202) 783–3238.
The charge for individual copies is
\$1.50 for each issue or for each group of

pages as actually bound, payable by check or money order to the Superintendent of Documents.

SUPPLEMENTARY INFORMATION:

I. Background

A. Summary

Under section 1886(d) of the Social Security Act (the Act), a system of payment for acute care inpatient hospital stays under Medicare Part A (Hospital Insurance) based on prospectively-set rates was established effective with hospital cost reporting periods beginning on or after October 1, 1983. Under this system, Medicare payment is made at a predetermined, specific rate for each hospital discharge. All discharges are classified according to a list of diagnosis-related groups (DRGs). The regulations governing the inpatient hospital prospective payment system are located in 42 CFR part 412.

B. Summary of the Provisions of the Proposed Rule

On May 8, 1989, we published a proposed rule (54 FR 19636) which set forth changes to the prospective payment system that would be effective for the seventh year of operation of that system, that is, beginning on October 1, 1989. Following is a summary of the major changes we proposed to make to the system:

As required by section 1886(d)(4)(C) of the Act, we proposed to adjust the DRG classifications and weighting factors for Federal fiscal year (FY) 1990.

 We proposed to update the wage index by basing it entirely on 1984 wage data. In addition, we proposed to make adjustments to the wage data to reflect the provisions of section 1886(d)(8)(C) of the Act, as enacted by section 8403(a) of the Technical and Miscellaneous Revenue Act of 1988 (Pub. L. 100-647).

 We discussed several current provisions of the regulations in 42 CFR part 412 and set forth certain proposed shanges corresponds.

changes concerning-

 Annual publication of prospective payment rates;

Payment for burn outlier cases;
 Payments to sole community

hospitals;

-Beneficiary access to care in rural areas:

-Payments to cancer hospitals;

Rural referral center criteria;
 Payment for disproportionate share

hospitals; and

 Payment for the indirect costs of medical education.

 In the addendum to the proposed rule, we set forth proposed changes to the amounts and factors for determining the FY 1990 prospective payment rates.
 We also proposed new target rate percentages for determining the rate-ofincrease limits for FY 1990 for hospitals and hospital units excluded from the prospective payment system.

 As required by sections 1886(e)(4) and (e)(5) of the Act, in Appendix C of the proposed rule we provided our recommendation of the appropriate percentage change for FY 1990 in the—

—Large urban, other urban, and rural average standardized amounts for inpatient hospital services paid for under the prospective payment system;

—Target rate-of-increase limits to the allowable operating costs of inpatient hospital services furnished by hospitals and hospital units excluded from the prospective payment system.

• In addition, the proposed rule discussed in detail the March 1, 1989 recommendations made by the Prospective Payment Assessment Commission (ProPAC). ProPAC is directed by section 1886(d)(4)(D) of the Act to make recommendations to the Secretary with respect to adjustments to the DRG classifications and weighting factors and to report to Congress with respect to its evaluation of any adjustments made by the Secretary.

ProPAC is also directed, by the provisions of sections 1886(e)(2) and (e)(3) of the Act, to make recommendations to the Secretary on the appropriate percentage change factor to be used in updating the average standardized amounts beginning with FY 1986 and thereafter. We printed ProPAC's report, which includes its recommendations, as appendix D to the proposed rule (54 FR 1975).

C. Number and Types of Public Comments

A total of 288 items of correspondence containing comments on the proposed rule were received timely. Approximately one-half of the letters we received were protesting the inappropriateness of the current DRG classification and weighting factors for electrophysiologic studies and automatic implantable cardioverter defibrillator implant procedures. Of the remaining letters, the main areas of concern addressed by the commenters were—

 The 1.35 percent reduction in the DRG weights to account for a portion of the increase in the case-mix index between FY 1986 and FY 1988;

 The proposal to base the wage index on 1984 data only; and

 The revisions made to the wage index for rural counties whose hospitals are deemed urban. The contents of the proposed rule, the public comments, and our responses to those comments are discussed throughout this document in the appropriate sections.

There are four general comments that we are responding to here rather than in the more issue-specific areas below.

Comment: We received one comment expressing concern that HCFA has made no provision for increased costs of care in hospitals and hospital units excluded from the prospective system resulting from the enactment of the catastrophic coverage provisions. The

commenter noted that there should be an adjustment to the target rate to cover increases in the cost per discharge resulting from this legislation.

Response: As we stated on the proposed rule (54 FR 19636), we made revisions to the regulations in the September 30, 1988 final rule to address changes resulting from enactment of the Medicare Catastrophic Coverage Act of 1988 (Pub. L. 100-360). Those revisions included adjustments to the prospective payment system, and the rate of increase ceiling for hospitals and units excluded from the prospective payment system, to take into consideration the reduction in payments to hospitals by Medicare beneficiaries resulting from the elimination of the day limitation on Medicare inpatient hospital services (section 101 of Pub. L. 100-360). Although these changes were final, we allowed a 60-day period for public comment since the changes had not previously been published as proposed. We are developing a final rule that responds to the comments we received.

Comment: One commenter suggested that our proposed changes neglect to address the problems of rural hospitals.

Response: The financial viability of rural hospitals and ensuring access to health care by rural beneficiaries is a matter of highest concern at HCFA. It should be noted that in the proposed rule we strongly urged a higher update factor for rural hospitals (54 FR 19748). We also proposed to ease the requirements and streamline the review process for qualifying as a sole community hospital, as well as liberalizing the requirements for regaining sole community hospital status when a hospital has opted to give up that status (54 FR 19649). We also solicited comments as to how our policies could be changed or improved to assure "essential access" to health care. Finally, we noted in the proposed rule that we are studying long term refinements including the possibility of eliminating separate urban and rural payment rates and revising the payment methodology for sole community hospitals (54 FR 19651).

We believe that these regulatory revisions and the studies we are undertaking demonstrate our commitment to examining the problems of rural hospitals and making appropriate policy changes to the prospective payment system. We reiterate that we believe that changes in Medicare policy alone are not sufficient to assure essential access to rural health care. A viable and effective rural health policy must involve Federal, State and local governments, and private insurers.

Comment: We received one comment noting that the proposed rule did not address payments for capital expenditures. The commenter recommended that payment for capital be set at 100 percent for FY 1990.

Response: We are required by section 1886(g)(1)(A) of the Act to include payment for capital-related costs as part of the prospective payment system for cost reporting periods beginning on or after October 1, 1991. We plan to publish a notice of proposed rulemaking concerning this requirement, which would outline our proposals and request public comment, and to publish a final rule timely. With respect to capital payment for FY 1990, there is no provision in current law for a reduction in payments; however, the Department's budget proposal for FY 1990 contains a provision that would reduce payments for inpatient hospital capital-related costs by 25 percent.

Comment: One commenter was concerned that the proposed rule did not address the treatment of malpractice costs in FY 1990. HCFA has stated, in a HCFA ruling (HCFAR 89-1) issued on January 26, 1989, that the recent court rulings of Georgetown I and Georgetown II also apply to the treatment of Medicare malpractice costs. HCFAR 89-1 states that the cost of malpractice premiums will be included in base year costs to determine hospital-specific rates for the base period. HCFAR 89-1 also states that future costs of malpractice will be included in hospital administrative and general (A&G) costs. The current hospital cost reporting form 2552 still includes worksheet D-8, which calculates malpractice premiums based on a risk portion and an A&G portion. Since HCFA has stated this method is no longer applicable, the commenter believes that HCFA must detail the treatment of malpractice costs in FY

The commenter recommends that HCFA publish its policy on changes in the treatment of malpractice costs prior to the final rule on prospective payment system for FY 1990 and allow hospitals adequate time for comment.

Response: In Bowen v. Georgetown University Hospital, et al., 57 U.S.L.W. 4057 (U.S. Dec. 12, 1989) (Georgetown I), the Court found that the Secretary was not authorized to issue a retroactively effective rule. It is HCFA's Ruling, in HCFAR 89–1, that the Court's decision in Georgetown I controls appeals challenging the 1979 malpractice rule or the 1986 malpractice rule for cost reporting periods beginning before May 1, 1986, provided that these appeals satisfy jurisdictional requirements and

that the hospital did not accept the May 11, 1988 "HHS Settlement Offer—Medicare Malpractice Insurance Costs Litigation" or otherwise settle.

Qualifying hospitals will be reimbursed for their malpractice insurance premiums under the utilization reimbursement method in effect prior to the 1979 or 1986 malpractice rules.

It is also HCFA's Ruling that the District of Columbia Circuit Court's decision in Georgetown University Hospital, et al. v. Bowen, Nos. 88-5026 and 88-5040 (D.C. Cir. Nov. 15, 1988) (Georgetown II) controls pending malpractice insurance cost reimbursement claims under the pre-1979 utilization method for a hospital that did not accept the May 11, 1988 "HHS Settlement Offer-Medicare Malpractice Insurance Costs Litigation." That is, for qualifying hospitals, application of the pre-1979 method to the hospital's malpractice premiums in its prospective payment system base year is applicable to its hospital-specific rate throughout the prospective payment system transition period.

Because Georgetown I affects only the Secretary's authority to issue retroactive rules, prospective application of the 1986 malpractice rule (51 FR 11142) for cost reporting periods beginning on or after May 1, 1986, is unaffected by the Court's decision. HCFAR 89-1 does not state. nor was it intended to imply, that the ruling applies to the prospective application of the 1986 rule. Therefore, the current hospital cost reporting forms properly incorporate the methodology to calculate reimbursement for malpractice premiums based on a risk portion and an administrative portion, as provided by the 1986 rule.

II. Changes to DRG Classifications and Weighting Factors

A. Background

Under the prospective payment system, we pay for inpatient hospital services on the basis of a rate per discharge that varies by the DRG to which a beneficiary's stay is assigned. The formula used to calculate payment for a specific case takes an individual hospital's payment rate per case and multiplies it by the weight of the DRG to which the case is assigned. Each DRG weight represents the average resources required to care for cases in that particular DRG relative to the national average of resources used to treat all Medicare cases. Thus, cases in a DRG with a weight of 2.0 would, on average, require twice as many resources as the average Medicare case.

Congress recognized that it would be necessary to recalculate the DRG relative weights periodically to account for changes in resource consumption. Accordingly, section 1886(d)(4)(C) of the Act requires that the Secretary adjust the DRG classifications and weighting factors annually beginning with discharges occurring in FY 1988. These adjustments are made to reflect changes in treatment patterns, technology, and any other factors that may change the relative use of hospital resources. The changes to the DRG classification system and the proposed recalibration of the DRG weights for discharges occurring on or after October 1, 1989 are discussed below.

B. Reclassification of DRGs

1. General

Cases are classified into DRGs for payment under the prospective payment system based on the principal diagnosis, up to four additional diagnoses, and any procedures performed during the stay, as well as age, sex, and discharge status of the patient. The diagnostic and procedure information is expressed by the hospital using codes from the International Classification of Diseases, Ninth Edition, Clinical Modification (ICD-9-CM). The intermediary enters the information into its claims system and subjects it to a series of automated screens called the Medicare Code Editor (MCE). These screens are designed to identify cases that require further review before classification into a DRG can be accomplished.

After screening through the MCE and any further development of the claims, cases are classified by the GROUPER software program into the appropriate DRG. The GROUPER program was developed as a means of classifying each case into a DRG on the basis of the diagnosis and procedure codes and demographic information (that is, sex, age, and discharge status). It is used to classify past cases in order to measure relative hospital resource consumption to establish the DRG weights and to classify current cases for purposes of determining payment.

Currently, there are 477 DRGs in 23 major diagnostic categories (MDCs). Most MDCs are based on a particular organ system of the body (for example, MDC 0, Diseases and Disorders of the Digestive System); however, some MDCs are not constructed on this basis since they involve multiple organ systems (for example, MDC 22, Burns).

Principal diagnosis determines MDC assignment. Within most MDCs, cases are then divided into surgical DRGs (based on a surgical hierarchy that

orders individual procedures or groups of procedures by resource intensity) and medical DRGs. Medical DRGs generally are differentiated on the basis of diagnosis, age, and presence or absence of complications or comorbidities (hereafter CC) only. Generally, GROUPER does not consider other procedures; that is, nonsurgical procedures or minor surgical procedures generally not done in an operating room are not listed as operating room (OR) procedures in the GROUPER decision tables. However, there are a few non-OR procedures that do affect DRG assignment for certain principal diagnoses, such as extracorporeal shock wave lithotripsy for patients with a principal diagnosis of urinary stones.

We proposed to make some changes to the DRG classification system on the basis of problems identified over the past year. These proposed changes and the comments we received concerning them as well as our responses are set forth below. In addition to comments related to each of the specific proposed DRG classification changes, we received some general comments, as follows:

Comment: One commenter indicated that HCFA should have made available to the public at the same time the proposed rule was published the proposed GROUPER and the maps used to change the FY 1988 diagnosis and procedure codes into their FY 1990 equivalents. The commenter would like this procedure to be followed in future years, also.

Response: Time does not permit us to make the proposed GROUPER available concurrent with proposed rule. We base our proposed changes on analysis of MEDPAR data received through December of the previous year in conjunction with medical consultation. Once the data are available, there is not sufficient time to perform the analysis. make the changes to the GROUPER, and then create a new GROUPER available for public purchase by the publication date of the proposed rule. Changes are not made to the GROUPER until shortly before publication of the final rule; that is, after all comments have been considered and further analysis has been made based on additional data received through June of the current

We believe it is possible for readers who have the current GROUPER and the MEDPAR data to develop the proposed GROUPER from the changes and methodology described in the proposed rule and to perform the review and confirm HCFA's projection, as the commenter desires. Thus, we believe that publishing the proposed GROUPER is not necessary to enable the public to

comment on the significant issues related to DRG classification as set forth in the proposed rule.

With regard to the mapping of the FY 1988 cases into their FY 1990 equivalents, we do not as a matter of policy publish all the material because of the limited interest this material would have for the majority of readers and because of the voluminous amounts of information this would involve. However, this information is available to the public upon request. In addition, the MEDPAR file that was prepared for public release in conjunction with the proposed rule includes in each case its FY 1988 DRG and its proposed FY 1990 DRG assignments.

Comment: One vendor of computer software requested modifications to the GROUPER software. The commenter believe the GROUPER should indicate invalid procedure codes in addition to invalid principal diagnosis codes as a means of detecting mapping errors. In addition, the commenter stated that mapped codes are not usually submitted to a validation routine on the GROUPER or the MCE, and, therefore, a detection ability needs to be added.

Response: Mapping makes diagnosis and procedure codes that change in status (that is, new codes or codes that became obsolete or were revised) equivalent across GROUPER versions. Mapping is designed by a team of technical analysts, programmers, physicians, nurses, and medical records administrators. The GROUPER program does not judge the validity of a code; in mapping, the code is renamed so that the case is assigned to the proper DRG in each GROUPER version. Since both diagnosis and procedure codes and GROUPER logic may change annually. the GROUPER software must be redesigned each year based on patient care information.

The GROUPER overrides an invalid procedure or diagnosis code in many cases by ignoring the invalid code in favor of a coexisting valid code. This can be used to detect incorrect mapping even in an earlier GROUPER version.

The commenter's belief that mapped codes are not subjected to validation is incorrect. As part of reclassification and recalibration, we test the GROUPER, by analyzing a sample of MEDPAR cases that contain these mapped codes in order to make sure that the cases are being assigned to the intended DRG.

2. MDC 4: Diseases and Disorders of the Respiratory System

We have received a number of requests from hospitals and other organizations for the expansion of DRG 474 (Respiratory System Diagnosis with Tracheostomy) and DRG 475 (Respiratory System Diagnosis with Ventilator Support) to include principal diagnoses from any MDC when ventilator support is used. In addition, we have received reports of problems experienced by hospitals in the coding and billing of those cases in MDC 4 involving ventilator support.

Beginning with discharges occurring on or after October 1, 1987, cases with a principal diagnosis in MDC 4 and one of the tracheostomy procedure codes (31.1 (Temporary tracheostomy), 31.21 (Mediastinal tracheostomy), or 31.29 (Other permanent tracheostomy)) were assigned to the new DRG 474. Cases involving mechanical ventilation through endotracheal intubation were assigned to the medical DRG 475. DRG 475 included cases presenting a principal diagnosis assigned to MDC 4 and showing non-OR procedure codes 93.92 (Other mechanical assistance to respiration) and 96.04 (Insertion of endotracheal tube). Beginning with discharges occurring on or after October 1, 1988, the title for procedure code 93.92 was revised to "Other mechanical ventilation" and "Continuous positive airway pressure" was assigned a unique procedure code (93.90).

Currently, DRG 475 is assigned to cases with a respiratory system principal diagnosis when neither a temporary tracheostomy nor any operating room procedure is performed and both procedure code 96.04 and 93.92 or 93.90 are performed. The majority of cases involving surgery for respiratory diagnoses are routinely intubated endotracheally, if only on a prophylactic basis. This procedure is considered a part of the surgery and is not normally coded. Assuming that the hospital charges for the procedure, even when it is not coded, the weighting factors for surgical DRGs already account for the resources involved in intubating patients. Thus, DRG 475 was intended to account only for those cases for which there is no surgical procedure and the intubation will be likely to be of longer duration.

The American Association for Respiratory Care, the American College of Chest Physicians, the National Association of Medical Directors of Respiratory Care (NAMDRC), ProPAC, and numerous other commenters have expressed general support for the creation of DRGs 474 and 475. In addition, many commenters at that time encouraged the expansion of the DRGs to include patients with other than respiratory diagnoses. We stated that we would continue our research in this

area, including analysis of superior means of identifying ventilator cases and ways to address this issue in postsurgical cases or for patients with nonrespiratory diagnoses.

We advised the medical community of our intent to target DRGs 474 and 475 for medical review by the Peer Review Organizations (PROs) to ensure that use of the diagnoses and procedures that result in assignment of cases to these DRGs was reasonable and appropriate. In fact, we were not aware of the extent of the problems experienced by hospitals until they were revealed by PRO review. In retrospect, we believe that we should have described in greater detail the situations in which these two new procedure-based DRGs would be assigned. In originally describing these DRGs, we did not reiterate that the necessary procedures had to be performed when the patient was an inpatient of the hospital submitting the

Some hospital staffs believe that the GROUPER logic for DRGs 474 and 475 should be applied whenever prolonged ventilation is involved, regardless of where the intubation or tracheostomy was performed. This is a logical argument, since a hospital will very likely use as many resources in treating a ventilator patient who was intubated or received a tracheostomy in an ambulance or in another hospital's emergency room. Many hospitals requested a waiver of the rules governing billing and payment for inpatient and outpatient services under both parts A and B of Medicare. In the current situation, the stay in a second hospital will not be assigned DRG 474 or 475, respectively, since the procedures necessary for this assignment are not performed on an inpatient of that hospital and, thus, cannot be coded on the hospital's bill.

At least one of the situations that governed the development of these DRGs has changed since October 1987, and we proposed to revise DRG 475 to address the problems that hospitals have experienced with transfer and emergency room patients. As we stated above, procedure code 93.92 was revised beginning with discharges occurring on or after October 1, 1988 to "Other mechanical ventilation." More significant is the fact that continuous positive airway pressure was reclassified to its own code, 93.90, at that time. Since procedure code 93.92 now refers to other mechanical ventilation, we proposed to revise DRG 475 to remove the requirement of the coding of the insertion of an endotracheal tube. This would mean

that cases would be assigned to DRG 475 when a ventilator patient with a principal diagnosis in MDC 4 is intubated elsewhere and no tracheostomy or operating room procedure is performed during the stay at the hospital. When a patient is admitted with an established tracheostomy, the receiving hospital would be paid under DRG 475 if the principal diagnosis is classified in MDC 4, the patient receives mechanical ventilation, and no operating room procedures were performed during the stay in the receiving hospital.

We recognize that ventilator cases in other MDCs tend to be more resource intensive than other cases within the same DRG. There is, however, no agreement as to the mechanism to be used in classifying them. Although NAMDRC has recommended that there be one ventilator DRG for all MDCs with a weight somewhere between that of DRGs 474 and 475, we are concerned that a single ventilator DRG for all MDCs may not be appropriate unless it is based upon an objective measure of the ventilator time involved, independent of the procedures performed.

Studies by the Yale DRG Refinement Project and by Health Systems International (HSI) under its contract with HCFA have both constructed models with DRGs for tracheostomies involving other than MDC 4 cases. We intend to analyze the impact these alternative models would have on the DRG classification system.

Comment: Several commenters expressed support for our proposal to remove the requirement that 96.04 (Insertion of endotracheal tube) must be coded with procedure code 93.92 (Other mechanical ventilation) for a case to be assigned to DRG 475 (Respiratory System Diagnosis with Ventilator Support). One commenter mentioned the need to evaluate whether the payment rate for DRG 475 is adequate for cases involving ventilator patients admitted with an established tracheostomy However, ProPAC commented that its analysis indicated that the resource costs of the receiving hospital for patients transferred with a tracheostomy were similar to those for transfer cases involving mechanical ventilation without a tracheostomy.

Response: We will continue to monitor DRG 475 to evaluate the impact on the DRG of both removing the requirement that procedure code 96.04 be coded with procedure code 93.92 and of assigning patients admitted with an established tracheostomy to this DRG. However, we note that the information

needed to assign those ventilator patients who were admitted with an established tracheostomy to a different DRG than ventilator patients who were intubated in an ambulance or at another hospital (that is, patients without a tracheostomy) is not available from the inpatient bill. This is because the procedures necessary to make this distinction were not performed during the hospital admission in question and, thus, cannot be coded on the hospital's bill. The bills for both sets of patients will show procedure code 93.92 only.

Comment: We received several comments concerning whether the length of time patients spend on a ventilator should be measured and taken into account in the DRG classification of ventilator patients. Several commenters expressed support for the modification of the existing ventilator procedure codes or development of new codes and DRGs that would reflect the length of ventilator time. However, other commenters opposed adding another digit to the ventilator procedure codes to identify the length of time spent on a ventilator in the belief that it would defeat the purpose of coding classification. That is, these commenters suggested that other data set fields should be used for furnishing this information because a disease classification system cannot provide details of treatment. One commenter suggested that if a length of time indicator is used, the length of time should be defined as the time period from the beginning of ventilation to the final cessation, regardless of any breaks for short periods of time.

Response: The ICD-9-CM
Coordination and Maintenance
Committee, which has the responsibility
for maintaining and updating the ICD-9CM codes, discussed this issue at its
latest meeting, which was held August
10 and 11, 1989. A decision will be made
on this issue before next year's ICD-9CM coding changes are made. Interested
parties are encouraged to submit their
comments to the Committee at the
address below before December 31,
1989.

Comment: Several commenters expressed their opinion that DRGs 474 and 475 should be expanded to include ventilator cases outside MDC 4 because ventilator cases in other MDCs tend to be more resource intensive than other cases in the same DRG. One commenter was concerned that the expansion of DRGs 474 and 475 might be delayed if it were linked to implementation of the recommendations of the Yale DRG Refinement Project.

Response: As indicated in the proposed rule (54 FR 19639), we recognize that ventilator cases in other MDCs tend to be more resource intensive than other cases within the same DRG and we intend to analyze the impact that alternative models for assigning ventilator cases would have on the DRG classification system. This was not, however, an analysis we could complete in time to consider changes in the classification of ventilator cases in FY 1990.

Although one alternative was developed as part of the Yale DRG Refinement Project, it could be implemented independently of the other DRG refinements recommended in the Yale study. Similarly, implementation of other DRG refinements recommended by the Yale study would not necessitate the adoption of the Yale model for ventilator cases should our analysis determine that a different model would be more appropriate.

Comment: One commenter incorrectly interpreted our proposed policy to mean that a ventilator patient who is transferred or intubated elsewhere would still be assigned to DRG 475 if a tracheostomy were performed at the receiving hospital.

Response: The proposed change addressed the situation where a patient in MDC 4 could not be assigned to a DRC 475 because only procedure code 93.92 (Other mechanical assistance ventilation) was shown on the bill. It does not affect the classification of patients in MDC 4 undergoing a tracheostomy at the receiving hospital since these patients would have one of the tracheostomy procedure codes shown on the bill and would continue to be assigned to DRC 474 as before.

As stated in the proposed rule, the receiving hospital would be paid under DRG 475 when a patient is transported with an established tracheostomy or was intubated elsewhere, the principal diagnosis is classified in MDC 4, the patient receives mechanical ventilation, and no operating procedures were performed during the stay in the receiving hospital. We included the criterion that no operating procedures be performed during the stay because patients on mechanical ventilation who receive an operating room procedure are not assigned to DRG 475. We did not intend to imply that those patients who received a temporary tracheostomy, which is a nonoperating room procedure, would also be assigned to DRG 475. Cases with a principal diagnosis in MDC 4 and one of the tracheostomy procedure codes (31.1, 31.21, or 31.29) will continue to be

assigned to DRG 474. We also wish to clarify that cases with code 93.90 (Continuous positive airway pressure) will no longer be assigned to DRG 475 unless the patient also received 93.92 during the stay.

3. Surgical Hierarchies

Some inpatient stays entail multiple surgical procedures, each one of which, occurring by itself, could result in assignment of the case to a different DRG within the MDC to which the particular principal diagnosis is assigned. It is therefore necessary to have a decision rule by which these cases are assigned to a single DRG. The surgical hierarchy, an ordering of groups of procedures from most to least resource intensive, performs that function. Its application ensures that cases involving multiple surgical procedures are assigned to the DRG associated with the most resourceintensive procedure group.

Because the relative resource intensity of procedure groups can shift as a function of DRG reclassification and recalibration, we reviewed the surgical hierarchy of each MDC, as we have for previous reclassifications, to determine if the ordering of procedures coincided with the intensity of resource utilization, as measured by the same billing data used to compute the DRG relative weights.

The surgical hierarchy is based upon procedure groups. Consequently, in many cases, hierarchy has an impact on more than one DRG. The methodology for determining the most resourceintensive procedure groups, therefore, involves weighting each DRG for frequency to determine the average resources for each procedure group. For example, assume procedure group A includes DRGs 1 and 2 and procedure group B includes DRGs 3, 4, and 5, and that the weighting factor for DRG 1 is higher than that for DRG 3, but the weights for DRGs 4 and 5 are higher than the weight for DRG 2. To determine the surgical hierarchy, we would weight the weighting factor of each DRG by frequency to determine average resource consumption for the group of procedures and order the procedure groups from that with the highest to that with the lowest average resource utilization, with the exception of "other (OR) procedures."

The "other OR procedures" group is uniformly ordered last in the surgical hierarchy of each MDC in which it occurs regardless of the fact that the weighting factor for the DRG or DRGs in that procedure group may be higher than that for other procedure groups in the

MDC. The "other OR procedures" group is a group of procedures that are least likely to be related to the diagnoses in the MDC but are occasionally performed on patients with these diagnosis. Therefore, these procedures should only be considered if no other procedure more closely related to the diagnoses in the MDC has been performed.

Based on the preliminary recalibration of the DRGs, we proposed to modify the surgical hierarchy as set forth below. As discussed below in section H.C. of this preamble, the final recalibrated weights are somewhat different from those proposed since they are based on more complete data. Consequently, we have further revised the hierarchy in this final rule as described below.

We proposed to revise the surgical hierarchy for MDC 5 (Diseases and Disorders of the Circulatory System) and MDC 8 (Diseases and Disorders of the Musculoskeletal System and Connective Tissue) as follows:

a. In MDC 5, we proposed to reorder Cardiac Pacemaker Replacement and/or Revision (DRGs 117 and 118) ¹ above Vascular Procedures Except Major Reconstruction Without Pump (DRG 112).

b. In MDC 8, we proposed to reorder Biopsies (DRG 216) above Back and Neck Procedures (DRGs 214 and 215); and we proposed to reorder Arthroscopy (DRG 232) above Major Shoulder/Elbow Procedures or Other Upper Extremity Procedures With CC (DRG 223).

We received no comments concerning the proposed reordering within the surgical hierarchy of MDC 5 and we are making this change as proposed. We did, however, receive one comment on another issue concerning MDC 5 as well as two other comments, one on our proposed reordering of the surgical hierarchy of MDC 8 and one general comment.

Comment: One commenter noted that there were no changes in the number of cases shown on Tables 7A and 7B for DRGs that would be affected by a surgical hierarchy change. The commenter questioned whether the surgical hierarchy changes were reflected in the case counts and relative weights published in the proposed rule.

Response: The surgical hierarchy changes in the proposed rule are based on our preliminary recalibration of the DRG weights. We are not able to test the effects of the revisions and to reflect them in the proposed relative weights

Comment: We received a number of comments questioning the appropriateness of the proposed reordering of DRG 216 above DRGs 214 and 215. The commenters believe that biopsies are less resource intensive than many of the procedures in DRGs 214 and 215.

Response: Although biopsy procedures may be less resource intensive than many of the surgical procedures in DRGs 214 and 215, we proposed the surgical hierarchy change because our data indicated cases requiring a biopsy are more resource intensive than cases in DRGs 214 and 215. Prior to making the surgical hierarchy change, the average standardized charges for cases in DRG 216 were \$700 more than the average standardized charges for cases in DRGs 214 and 215. After reordering the surgical hierarchy, the difference increases to \$1,245. We are making the surgical hierarchy change as proposed so that cases with multiple procedures will be assigned to the higher-weighted DRG; however, we will review the MDC 8 surgical hierarchy again next year.

Comment: We received two comments indicating that the change in the surgical hierarchy order for MDC 5 that was made in the September 30, 1988 final rule (53 FR 38485) and was effective October 1, 1988 has resulted in disputes between PROs and hospital medical records administrators as to the proper sequence for surgical procedures on the Medicare bill. This change was to reorder DRG 108 (Other Cardiothoracic or Vascular Procedures With Pump) above DRGs 106 and 107 (Coronary Bypass). The commenters requested that the surgical hierarchy change be reversed. We received two related comments expressing concern over the limited number of procedure codes that can be shown on the Medicare bill.

Response: The problem identified with DRGs 106 and 108 stems from the procedure code sequencing when more than three cardiac procedures are

performed, including codes 36:10 through 36.19 (Coronary bypass graft). Although more than three procedures may be performed on the patient, only three may be reported on the bill and the DRG assignment and payment are based on the three reported procedures. For example, a patient may have had a coronary bypass graft, but the claim may show only code 37.61 (Pulsation balloon), code 37.21 (Cardiac catheterization), and code 39.61 (extracorporeal circulation). In this situation, the case would be assigned to the higher-weighted DRG 108 instead of DRG 106 or 107.

If there are a greater number of procedures performed than can be listed on the claim, our coding guidelines require that the procedure be reported based on the follow hierarchy:

- —Procedures that relate to the principal diagnosis and that affect DRG assignment.
- Other procedures that affect DRG assignment.
- —Other procedures which are listed in the ICD-9-CM (Volume 3, Procedures) between code numbers 01.01 and 86.99 which are performed in the operating room.

Based on the coding guidelines, we would normally expect to see the coronary bypass procedure coded on the claim. Although the ICD-9-CM lists code 39.61 as a "code also" peripheral procedure to the coronary bypass procedures, the GROUPER logic for DRGs 106 and 107 does not require the coding of the pump for DRG assignment. However, the FY 1989 surgical hierarchy change has created an incentive to leave the bypass procedure off the bill to allow room for 39.61 and other procedures that will result in the case being assigned to the higher-weighted DRG 108. This is a particular problem when a DRG software package is used that contains a resequencing function that will search for codes following the DRG logic trees found in the DRG Definitions Manual. Since the hierarchy change, when procedure codes entered by the hospital's medical records department include codes assigned to DRG 108, the programs will check for code 39.61 (Extracorporeal circulation) before assigning the case to a DRG ranked lower in the hierarchy. Frequently, the procedure codes that are assigned to DRG 108 are incidental to a coronary bypass procedure. In this regard, it is important for users of these packages to be aware of the capabilities of their system and ensure that the sequence of the procedures established by the medical records coder and the

due to the unavailability of revised GROUPER software at the time of publication. Rather, in performing analysis of the surgical hierarchies, we simulate most major classification changes to approximate the placement of cases under the proposed reclassification and then recalibrate the weights. The weighting factor for each procedure group then serves as our best estimate of relative resource use for that procedure group. We test the proposed surgical hierarchy changes after the revised GROUPER is received and reflect the final changes to the surgical hierarchy in the DRG relative weights published in the final rule.

A single title combined with two DRG numbers is used to signify pairs, the first DRG of which is cases with CC and the second of which is cases without CC. If a third number is included, it represents cases of patients who are age 0-17.

attesting physician is the sequence that is ultimately reported on the claim form.

We are aware of the difficulties that have developed in the coding and billing of these DRGs since the surgical hierarchy was changed. We are also concerned over the continued loss of data on the incidence of coronary bypass surgery in conjunction with the cardiothoracic and vascular procedures classified in DRG 108 as well as the loss of clinical coherence as increasingly more coronary bypass cases are assigned to DRG 108. However, we do not believe it would be appropriate to reverse the surgical hierarchy. We made the surgical hierarchy change in FY 1989 because the relative resource intensity of the cases assigned to DRG 108 had increased relative to the weighted average of those cases containing the procedure codes necessary for assignment to DRG 106 or 107. The pre-FY 1989 surgical hierarchy no longer resulted in the assignment of cases involving multiple procedure codes to the DRG associated with the most resource intensive procedure group. The FY 1988 data indicate the DRG 108 cases are still more resource intensive. The average standardized charges for cases in DRG 108, based on the current surgical hierarchy, are \$3,400 higher than the weighted average standardized charges for cases in DRGs 106 and 107. We intend to re-examine this problem as part of our analytic agenda for FY 1991.

Finally, we believe that it would be advantageous to include more fields on the Medicare claim form to allow the hospital to enter both additional diagnoses and procedure codes. We plan to approach the National Uniform Bill Committee this year to request that they revise the Uniform Bill at the next available opportunity. This recommendation will, of course, be subject to the approval of the other members of the committee.

Since we published the proposed rule, we have received a revised GROUPER program and a more complete 1988 Medicare provider analysis and review (MEDPAR) file, and we were able to test the proposed surgical hierarchy changes. Test results indicated that two changes

are necessary.

We regrouped the MDC 8 DRGs using the two proposed hierarchy changes to determine whether the standardized charges involved would continue to exceed that of the DRGs that are currently ranked above them in the hierarchy. We found that our proposal to reorder DRG 232 (Arthroscopy) produced anomalous results. We found that the number of patients classified in DRG 232 would increase seven-fold

when the procedure group was moved up in the hierarchy. This result indicates that arthroscopy is more frequently performed in conjunction with a procedure from one of the groups for DRGs 221 and 222 (Knee Procedures), DRGs 226 and 227 (Soft Tissue Procedures), DRGs 230 and 231 (Local Incision and Removal of Internal Fixation Devices), and DRG 228 (Major Thumb or Joint Procedures or Other Hand or Wrist Procedures with CC) than it is performed by itself.

The fact that DRG 232 would pick up so many cases in and of itself is not troubling. However, the reassignment of so many cases results in a weighting factor that no longer supports the proposed surgical hierarchy change. The cases in the FY 1988 MEDPAR that would be assigned to DRG 232 if we changed the order as proposed would have an average standardized charge that would move the DRG back to its current ranking on the surgical hierarchy. It appears that the average Medicare beneficiary who undergoes arthroscopic surgery is often in an advanced stage of degenerative bone or joint disease, resulting in consistently high charges in those cases that do not include other MDC 8 surgeries. The data show that in the situation where arthroscopy is one of multiple procedures performed, the resource intensity of the case is not as high as when arthroscopy is the only procedure performed. Based on these results, we have decided not to implement the proposed reordering of DRG 232.

However, we found from analysis of the revised GROUPER program that another change in MDC 8 surgical hierarchy is necessary due to the revision of the arthroplasty codes and the assignment of the following ICD-9-CM procedure codes to DRG 209 effective October 1, 1989. Currently, all procedures involving shoulder arthroplasty and elbow arthroplasty are assigned to DRG 223 (Major Shoulder/ Elbow Procedures or Other Upper Extremity Procedures With CC). With the code revisions, code 81.80 (Total shoulder replacement), 81.81 (Partial shoulder replacement), and 81.84 (Total elbow replacement) will be assigned to DRG 209 (Major Joint and Limb Reattachment Procedures). Consequently, the charges remaining in the cases classified in DRG 223, representing the less complicated arthroplasties, fell to a rank below DRG 231 (Local Excision and Removal of Internal Fixation Devices, Except Hip and Femur). As a result, we are revising the hierarchy in MDC 8 to reorder DRG 223 below DRG 231 and above DRG 228.

Based on these changes, the final MDC 8 surgical hierarchy is as follows: Bilateral or Multiple Major Joint Procedures of the Lower Extremity (DRG 471) Wound Debridement and Skin Graft

Except Hand (DRG 217)

Major Joint and Limb Reattachment Procedures (DRG 209)

Hip and Femur Porcedures Except Major Joint (DRGs 210, 211, and 212) Amputations (DRG 213)

Biopsies (DRG 216)

Back and Neck Procedures (DRGs 214 and 215)

Lower Extremity and Humerus
Procedures Except Hip, Foot, Femur
(DRGs 218, 219 and 220)
Knee Procedures (DRGs 221 and 222)

Soft Tissue Procedures (DRGs 221 and 222) 227)

Local Excision and Removal of Internal Fixation Devices of Hip and Femur (DRG 230)

Local Excision and Removal of Internal Fixation Devices Except Hip and Femur (DRG 231)

Major Shoulder/Elbow Procedures or Other Upper Extremity Procedures With CC (DRG 223)

Major Thumb or Joint Procedures or Other Hand or Wrist Procedures With CC (DRG 228)

Arthroscopy (DRG 232)
Foot Procedures (DRG 225)
Shoulder, Elbow or Foreatt

Shoulder, Elbow or Forearm Procedures Except Major Joint Procedures Without CC (DRG 224)

Hand or Wrist Procedures Except Major Joint Procedures Without CC (DRG 229)

Other Musculoskeletal System and Connective Tissue OR Procedures (DRGs 233 and 234)

4. Refinement of Complications and Comorbidities List

There is a standard list of diagnoses that are considered complications and comorbidities (CCs). This list was developed by physician panels to include those diagnoses that, when present as a secondary condition, would be considered a substantial complication or comorbidity. A substantial CC, in turn, is defined as a condition that, because of its presence with a specific principal diagnosis, would cause an increase in length of stay by at least one day for at least 75 percent of the patients.

Based upon analysis by our medical consultants, we proposed to eliminate the following minor cardiac block and dysrhythmia diagnoses from the CC list: 426.10 Atrioventrical block, not

otherwise specified (NOS) 426.11 Atrioventrical block, 1st degree 426.12 Atrioventrical block—Mobitz (type) II

426.13 Atrioventrical block, 2nd degree, not elsewhere classified (NEC)

426.2 Left bundle branch hemiblock
426.3 Left bundle branch block NEC
426.4 Right bundle branch block
426.50 Right bundle branch block NOS
426.51 Right bundle branch block and

left posterior fascicular block 426.52 Right bundle branch block and left anterior fascicular block 426.53 Bilateral bundle branch block

Each of these procedures would no longer be considered a CC for any

principal diagnosis.

Comment: A number of comments were received recommending retention of some or all of the codes in the CC list or supporting deletion of all of the codes as proposed. One commenter suggested deleting an additional code, 426.9 (Conduction disorder, unspecified). The commenter believes the diagnosis to be rather nonspecific except for interventricular conduction delay (in the alphabetical list of the ICD-9-CM), which is not a significant cardiac defect. In the tabular list (of the ICD-9-CM), however, there are two conditions the commenter believes to be highly significant and suggested interventricular conduction defect may best be reclassified to another ICD-9-

Response: After further discussion with medical consultants, we agree with several commenters that there may be added risk with diagnosis codes 426.12, 426.13, and 426.53. The remaining codes represent clinical conditions of lesser significance to the patient with acute myocardial infarction, they may or may not be related to the acute myocardial infarction, and they should not cause difficulty in the majority of cases. Therefore, they do not represent comorbidities that can be expected to significantly change resource utilization needs or length of stay. The following is the final list of minor cardiac block and dysrhythmia diagnoses that are deleted from the CC list:

426.10 Atrioventrical block, not otherwise specified (NOS)
426.11 Atrioventrical block, 1st degree 426.2 Left bundle branch hemiblock 426.3 Left bundle branch block, not

elsewhere classified (NEC)
426.4 Right bundle branch block
426.50 Right bundle branch block NOS
426.51 Right bundle branch block and
left posterior fascicular block

426.52 Right bundle branch block and left anterior fascicular block

We appreciate the commenter's suggestions concerning 426.9, but since

we did not propose to eliminate 426.9, we do not believe it would be appropriate to act on the suggestion at this time. We recommend that the commenter submit it to the ICD-9-CM Coordination and Maintenance Committee for consideration (see address below in section II.B.6. of this preamble).

We proposed a limited revision of the CC Exclusion List, which includes corrections of errors in the existing list, addition of a number of excluded CCs, and the deletion of a number of

excluded CCs.

Table 6f in section IV of the addendum to the proposed rule contained the proposed additions to the CC Exclusions List that would be effective for discharges occurring on or after October 1, 1989. The table shows the principal diagnoses with proposed changes to the excluded CCs. Each of these principal diagnoses was shown with an asterisk and the additions to the CC Exclusions List are provided in an indented column immediately following the affected principal diagnosis. The indented diagnosis would not be recognized by the GROUPER as a valid CC for the asterisked principal diagnosis beginning with discharges on or after October 1, 1989.

In the proposed rule, many four-digit diagnosis codes on the master GC list were included on Table 6d (Expanded Diagnosis Codes That Are No Longer Accepted In GROUPER) since they have been replaced by two or more five-digit diagnosis codes. Since the five-digit definitions provide greater specificity in classifying the diagnoses, some of the new codes will no longer describe a GC or will describe a CC in a four-digit category that was not previously on the GC list.

Example

The four-digit diagnosis code 3450 (Generalized nonconvulsive epilepsy) was not on the master CC list while 3451 (Generalized convulsive epilepsy) was on the list. Code 3451 was excluded as a CC for the principal diagnosis 25060 (Diabetes with neurological manifestations, adult or unspecified onset) for discharges occurring on or after October 1, 1988. Beginning with discharges on or after October 1, 1989, the ICD-9-CM adds a fifth digit designating whether or not intractable epilepsy is involved. The four-digit diagnosis codes are eliminated wherever they occurred on the Exclusion List. Both of the five-digit

codes 34510 and 34511 are added to the Exclusion List in place of 3451. Even though the code 3450 was not considered a CC, 34501 [Generalized convulsive epilepsy with intractable epilepsy) is considered a CC and is added to the master list. Code 34501 will be excluded as a CC for the principal diagnosis 25060.

Comment: Several commenters suggested that codes from the Excludes Note, as set forth in the ICD-9-CM, for diagnosis code 496 (Chronic obstructive pulmonary disease) be added to the CC Exclusions List to improve coding

consistency and accuracy.

Response: While we encourage efforts to ensure correct coding and consistent use of ICD-9-CM principles, we do not see the CC Exclusion List as the most appropriate vehicle to ensure this consistency. Furthermore, of the codes mentioned in the Excludes Notes, only two have payment implications and one of these will be changed as of October 1, 1989. However, we understand the commenter's point and as we do more extensive work on the CC list, we will consider ICD-9-CM coding conventions.

Comment: One commenter wanted to know if code 493.20 (Chronic obstructive asthma) will be considered as a comorbid condition and requested clarification regarding the combination of codes 493.90 (Asthma unspecified) and 492 (Emphysema), asking if it becomes part of 493.20.

Response: Diagnostic code 493.20 will be considered as a complication or comorbid condition and will be added to the CC list. The question as to how to code the combination of asthma and emphysema is answered in the final ICD-9-CM coding Addendum for October 1, 1989. Each diagnosis should be coded separately, as they are now.

The only CCs that we proposed to delete from the CC Exclusions List are those deleted diagnosis codes in Table 6d that are currently on the CC list and those diagnosis listed above that we proposed to delete from the main CC list. As proposed, the following diagnoses codes from Table 8d should be deleted from the CC list and wherever they appear on the CC Exclusions List: 345.1; 403.0; 404.0; 410.0-410.9; 411.8; 996.6; and 996.7. For the convenience of the reader, we have included a complete list of the deletions in Table 8g of the addendum to this final rule.

Copies of the original CC Exclusions List applicable to FY 1988 can be obtained from the National Technical Information Service (NTIS) of the Department of Commerce. It is available in hard copy for \$64.95 and on microfiche for \$18.50. These prices include \$3.00 for shipping and handling. A request for the FY 1988 CC Exclusions List, which should include the identification accession number (PB) 88–133970, should be made to the following address:

National Technical Information Service, United States Department of Commerce, Springfield, Virginia 22161; or by calling (703) 487–4650.

Users should be aware of the fact that both the revisions in Tables 6d and 6e of the September 30, 1988 final rule and those in Table 6f and 6g of this document must be incorporated into the list purchased from NTIS in order to obtain the CC Exclusions List applicable for discharges occurring on or after October 1, 1989. (We do not intend to update the listing available from NTIS to reflect these or any future revisions.)

Alternatively, the complete documentation of the GROUPER logic, including the current CC Exclusions List is available from Health Systems International (HSI). HSI, under contract with HCFA, is responsible for updating and maintaining the GROUPER program. The current DRG Definitions Manual, Sixth Revision is available for \$195.00, which includes \$15.00 for shipping and handling. The Sixth Revision of this manual includes the changes in this document. This manual may be obtained by writing HSI at: 100 Broadway, New Haven, Connecticut 06511; or by calling (203) 562-2101.

5. Review of Procedure Codes in DRGs 468 and 477

Each year, we review cases assigned to DRG 468 (Unrelated Operating Room Procedures) in order to determine whether, in conjunction with certain principal diagnoses, there are certain procedures performed that are not currently included in the surgical hierarchy for the MDC in which the diagnosis falls. In FY 1989, this review resulted in the addition of two new DRGs: DRG 476 (Prostatic OR Procedure Unrelated to Principal Diagnosis) and DRG 477 (Non-Extensive OR Procedure Unrelated to Principal Diagnosis). For a detailed discussion of the changes, see the September 30, 1988 final rule (53 FR 38487).

Since DRG 468 is reserved for those cases in which none of the OR procedures is related to the principal diagnosis, it is intended to capture atypical medical cases, that is, those cases not occurring with sufficient frequency to represent a distinct recognizable clinical group. DRGs 476 and 477 are assigned to specific subsets of these codes. DRG 476 is assigned to those discharges in which one of the

following prostatic procedures is performed that is unrelated to the principal diagnosis:

60.2—Transurethral prostatectomy 60.61—Local excision of lesion of

prostate 60.69—Prostatectomy NEC 60.94—Control of postoperative hemorrhage of prostate

DRG 477 is assigned to those discharges in which the only procedure performed is a nonextensive procedure that is unrelated to the principal diagnosis. In Table 6c in section IV of the addendum to the September 30, 1988 final rule, we listed the ICD-9-CM procedure codes for all of the procedures we consider nonextensive procedures if performed with an unrelated principal diagnosis. These cases are grouped in DRG 477.

Because of the addition of DRG 477, we conducted this year's review of procedures producing DRG 468 or 477 assignments on the basis of volume of cases with each procedure. Our medical consultants then identified those procedures occurring in conjunction with certain diagnoses with sufficient frequency to justify adding them to one of the surgical DRGs for the MDC in which the diagnosis falls. On the basis of this review, we proposed two DRG classification changes in order to reduce unnecessary assignment of cases to DRG 477.

In MDC 14 (Pregnancy, Childbirth and Puerperium), we proposed to add two procedure codes to the operating room procedures in DRG 374 (Vaginal Delivery With Sterilization and/or D&C). Currently these procedures, when combined with a principal diagnosis in MDC 14 such as 665.41 (High vaginal laceration), group to DRG 477. The two procedure codes to be added to DRG 374 are procedure codes 69.09 (Other dilation and curettage) and 69.52 (Aspiration curettage following delivery or abortion).

Comment: Several commenters objected to the addition of procedure code 69.09 (Other dilation and curettage) to DRG 374. The commenters noted that this procedure code should not be used with DRG 374 because there is a specific procedure code (69.02) for D&C following delivery. Since it would be inappropriate to use 69.09 to indicate a D&C following delivery, the procedure code should not be added to DRG 374.

Response: We agree with the commenters that procedure code 69.09 should not be used to code a D&C following delivery and that the correct code would be 69.02. However, the purpose of including 69.09 in DRG 374 is to address those occasions when this

procedure code is nevertheless used with a principal diagnosis assigned to DRG 374. These cases currently group to DRG 477 (Non-Extensive OR Procedure Unrelated to Principal Diagnosis); they more appropriately belong in DRG 374 because 69.09 is not an unrelated procedure. Therefore, we are including procedure code 69.09 in DRG 374.

Comment: We have received several complaints that when splenectomy (codes 41.5 or 41.43) is performed for Felty's syndrome, which is an appropriate procedure for this syndrome, it inappropriately groups to DRG 468 (Extensive OR Procedure Unrelated to Principal Diagnosis).

Response: We agree with the commenters that this is an incorrect grouping and have assigned procedure codes 41.5 and 41.43 to MDC 8 (Diseases and Disorders of the Musculoskeletal System and Connective Tissue) in order to group to the appropriate DRGs 233 and 234 (Other Musculoskeletal System and Connective Tissue OR Procedure).

6. Changes to the ICD-9-CM Coding System.

As discussed above in section II.B.1. of this preamble, ICD-9-CM is a coding system for the reporting of diagnostic information and procedures performed on a patient. In September 1985, the ICD-9-CM Coordination and Maintenance Committee was formed. This is a Federal interdepartmental committee charged with the mission of maintaining and updating the ICD-9-CM. This includes approving new coding changes, developing errata, addenda, and other modifications to the ICD-9-CM to reflect newly developed procedures and technologies and newly identified diseases. The Committee is also responsible for promoting the use of Federal and non-Federal educational programs and other communication techniques with a view toward standardizing coding applications and upgrading the quality of the classification system.

The Committee is co-chaired by the National Center for Health Statistics (NCHS) and HCFA. The NCHS has responsibility for the ICD-9-CM diagnoses codes included in Volumes 1 and 2—Diseases: Tabular List and Diseases: Alphabetic Index, while HCFA has responsibility for the ICD-9-CM procedure codes included in Volume 3—Procedures: Tabular List and Alphabetic Index.

The Committee encourages participation in the above process by major health-related organizations. In this regard, the Committee holds public meetings for discussion of educational

issues and proposed coding changes. These meetings provide an opportunity for input into coding matters from representatives of recognized organizations in the coding fields, such as the American Medical Record Association, the American Hospital Association, and the Commission on Professional and Hospital Activities, as well as physicians, medical record administrators, and other members of the public. Considering the opinions expressed at the public meetings, the Committee formulates recommendations, which then must be

approved by the agencies.

The Committee presented proposals for coding changes at public meetings held on April 14, 1988, July 21-22, 1988, and December 1, 1988 and finalized the coding changes after consideration of comments received at the meetings and in writing in the 30 days following the December 1, 1988 meeting. The initial meeting for consideration of coding issues for resolution in FY 1990 was held on April 4, 1989 and a second meeting was held August 10-11, 1989. Copies of the minutes of these meetings may be obtained by writing to the cochairpersons representing NCHS and HCFA. We encourage commenters to address suggestions on coding issues involving diagnosis codes to:

Ms. Sue Meads, R.R.A, Co-Chairperson, ICD-9-CM Coordination and Maintenance Committee, NCHS, Rm 2-19, Center Building, 3700 East-West Highway, Hyattsville, Maryland

20782.

Questions and comments concerning the procedure codes should be addressed to:

Ms. Patricia E. Brooks, R.R.A., Co-Chairperson, ICD-9-CM Goordination and Maintenance Committee, HCFA, Office of Coverage Policy, Rm 1-J-2 East Low Rise Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

The additional new ICD-9-CM codes that have been approved will become effective October 1, 1989. The new ICD-9-CM codes are listed, along with their DRG classifications, in Tables 6a, 6b, and 6c in section IV of the addendum.

Further, the ICD-9-CM diagnosis codes shown on Table 6d will be expanded to categories requiring a fifth digit for valid diagnosis code assignment. Thus, these diagnosis codes will not be recognized by GROUPER 7 beginning with discharges occurring on or after October 1, 1989. The corresponding five-digit codes are shown in Table 6a. Finally, the ICD-9-CM procedure codes shown in Table 6e will be deleted. These codes were vacated because of the new and revised

codes established by the Committee and will be reserved for future refinements of the ICD-9-CM.

Comment: Several commenters noted errors in Tables 6a, 6b, 6c, 6d, and 6e as set forth in section IV of the addendum to the proposed rule (54 FR 19709–19712). Specifically mentioned was the assignment of procedure codes 77.56 (Repair of hammer toe) and 77.57 (Repair of claw toe) to DRG 63 (Other Ear, Nose, Mouth and Throat OR Procedures).

Response: We have revised Tables 6a, 6b, 6c, 6d, and 6e to reflect the correct spelling, additions, deletions, and DRG assignments. Tables 6a, 6b, 6c, 6d, and 6e should now be correct as set forth in section IV of the addendum to this final

rule.

Comment: One commenter asked which of the new diagnosis codes from Table 6a would be added to the CC list.

Response: We have revised Table 6a as set forth in section IV of the addendum to this final rule to add a yes/no column for CCS that will indicate for each of the new diagnoses listed whether or not it is considered a CC.

Comment: Two commenters questioned the assignment of procedure codes 81.57 (Replacement of joint of foot or toe), 81.72 (Arthroplasty of metacarpophalangeal and interphalangeal joint without implant), 81.74 (Arthroplasty of carpocarpal or carpometacarpal joint with implant), and 81.75 (Arthroplasty of carpocarpal or carpometacarpal joint without implant) to DRGs 7 and 8 (Peripheral and Cranial Nerve and Other Nervous System Procedures).

Response: Code 81.57 was incorrectly shown as assigned to DRGs 7 and 8 due to an error in Table 6b in the proposed rule (54 FR 19711). This has been corrected and now is shown assigned to DRG 225 (Foot Procedures) and DRGs 442 and 443 (Other OR Procedures for Injuries) in Table 6b. Codes 81.72, 81.74, and 81.75 are assigned to DRGs 7 and 8 because joint surgery may be performed in a neurologically deficient and unstable hand.

Comment: Three commenters questioned the assignment of code 996.73 (Other complications due to renal dialysis device, implant and graft) to DRGs 144 and 145 (Other Circulatory System Diagnoses). They recommended that it group to DRGs 331, 332, and 333 (Other Kidney and Urinary Tract Diagnoses) because this is a complication of a vascular prosthetic device that is a renal dialysis device.

Response: Code 996.73 is a general category of diagnoses including vascular implants or grafts that may be associated with many different medical conditions. We find no medical or coding rationale for further DRG differentiation. Code 996.73 will remain assigned to DRG 144 and 145.

Comment: Several commenters supported the new ICD-9-CM codes for intractable epilepsy as a separate diagnosis and the new codes for procedures performed in the diagnosis of people with intractable epilepsy. They stated that by differentiating between intractable epilepsy and routine epilepsy, the new diagnosis codes recognize the varying severity of epilepsy. The commenters also pointed out that these new diagnosis codes will provide the first opportunity to identify this group of patients and to distinguish between routine epilepsy admissions and the far more resource intensive admissions for intractable epilepsy. They recommended that we recognize the far higher cost of intractable epilepsy cases and establish more appropriate payment than exists under the current DRGs. The commenters also expressed concern that insufficient Medicare payments may limit access to needed diagnostic procedures and treatment.

Response: We appreciate the input from these commenters and their support for the new diagnosis codes (345.00 through 345.91) and procedure codes (88.10 and 89.19), as well as their concern and request for further refinements in the classification and payment of intractable epilepsy cases. With these new codes, we will be able to collect and evaluate data concerning resource requirements for patients with intactable epilepsy compared to patients with routine epilepsy and to determine whether any additional classification changes should be proposed.

Comment: One hospital raised a question about the use of the new diagnosis code 411.81 (Acute ischemic heart disease without myocardial infarction) in the case of those patients who had an embolism or occlusion (diagnosed by EKG) but were so successfully treated with tissue plasminogen activator (TPA) or a similar pharmacologic preparation that no infarction resulted.

Response: Clarification of the new diagnosis code 411.81 resolves this issue. This code is for acute ischemic heart disease without myocardial infarction and includes coronary occlusion from embolus or clot formation resulting in ischemia but not infarction.

If a myocardial infarction is diagnosed either by clinical picture, EKG, or enzymes, it qualifies as an acute myocardial infarction and is assigned to category 410 (fourth and fifth digits are required). The new diagnosis code 411.81 is reserved for those cases in which no myocardial infarction occurs. In cases in which the EKG indicates occlusion with ischemia but without definitive signs of infarction, this patient would be classified under the new diagnosis code 411.81 (Acute ischemic heart disease without myocardial infarction). If TPA were administered, in the absence of a myocardial infarction, 411.81 would be the correct code.

However, if the patient is diagnosed as having an acute myocardial infarction, the case is coded in the 410 category, even if TPA is administered and restores perfusion in the occluded

coronary artery.

Comment: Two commenters supported the new diagnosis codes for acute myocardial infarction and the proposed DRG reassignment for myocardial infarction subsequent episode of care cases to DRGs 132 and 133. However, both commenters expressed concern that the FY 1990 DRG weights for DRGs 121 and 122 (Circulatory Disorders with Acute Myocardial Infarction, Discharged Alive) would be too low for acute cases because they are based on all cases currently assigned to these DRGs. The commenters suggested that an adjustment be made in the weights for DRGs 121 and 122 to reflect the reassignment of less resource-intensive cases to DRG 132 and 133. If the weights are not adjusted, one of the commenters suggested leaving the less resourceintensive cases in DRCs 121 and 122 until the DRG reassignment could be reflected in recalibration.

Response: Effective with discharges on or after October 1, 1989, we are requiring the use of a new fifth digit subclassification within the ICD-9-CM category 410 (Acute myocardial infarction). This subclassification distinguishes an initial episode of care from a subsequent episode of care. A fifth digit of "1" (initial episode of care) is used to designate the acute phase of care regardless of the location of treatment. It includes cases that are transferred for care and treatment within the acute phase of care. Any subsequent episode of care for another myocardial infarction is also assigned a fifth digit of "1." All of these cases will be assigned, as they have been in the past, to one of the myocardial infarction DRGs 121, 122, or 123 (or, in the case

with pacemaker implantation, DRG 115). A fifth digit of "2" is used to designate observation, treatment, or evaluation of myocardial infarction within 8 weeks of onset, but following the acute phase, or in the healing state in which the episode of sare may be for related or unrelated

conditions. All of these cases will be assigned to one of the atherosclerosis DRGs (132 or 133) if acute myocardial infarction, subsequent episode of care is identified as the principal diagnosis. Our reasons for assigning these cases to the atherosclerosis DRG rather than to a myocardial infarction DRG relate to two of the basic characteristics of the DRG patient classification system. First, each DRG should contain cases with a similar pattern of resource intensity and, second, each DRG should contain cases that are similar from a clinical perspective. We note that cases that would require surgical procedures upon readmission or cases that are readmitted with a complication of myocardial infarction would group to a

different MDC 5 DRG.

Without the creation of a new fifth digit subclassification, we would have continued to be unable to distinguish the resource-intensive, clinically-coherent group of patients admitted to the hospital with an acute myocardial infarction from less resource-intensive and clinically-different group of patients who are not suffering an acute myocardial infarction but who are readmitted to the hospital within 8 weeks of a myocardial infarction. Until now, according to ICD-9-CM coding convention, various cases of chronic ischemic heart disease (for example, coronary atherosclerosis) have been classified as acute myocardial infarctions if they occur within 8 weeks of the date of a previous infarction. Thus, cases of acute myocardial infarction have been classified with cases that are not acute myocardial infarctions. This coding convention was developed and is appropriate for mortality reporting purposes but is inappropriate for morbidity reporting purposes. In addition to the problems this coding convention has created for the DRG classification system, it has also distorted the statistical data in the United States concerning the incidence of myocardial infarction.

We believe these problems will be solved by the use of the fifth digit subclassification. However, until the new diagnosis codes are reflected in our MEDPAR data, we are unable to distinguish between the acute and nonacute cases for purposes of recalibration. Thus, as the commenters noted, relative weights for DRGs 121 and 122 are based on the resource requirements for both the high-cost acute myocardial infarction cases and the less resource-intensive nonacute cases that will be paid under DRGs 132 and 133 in FY 1990. The reassignment of the lower cost cases from DRGs 121 and 122 will not be reflected in the DRG

weights until FY 1992, when FY 1990 data will be used in recalibration.

We have not adopted either of the commenters suggested alternatives because they are not consistent with our general policy on reclassification and recalibration. When ICD-9-CM diagnosis codes that affect DRG assignment are added, revised, or deleted, we try to take these changes into account in recalibration. To the extent possible, we convert the existing codes into their equivalents under the revised code definitions so that cases including these codes will be classified in their new DRG assignments before recalibration. When we are unable to determine how cases will be coded under the revised definitions, our policy is to leave the cases in their current DRG assignment for recalibration purposes only. We still assign the codes to the appropriate DRG for payment purposes. Because we are unable to predict which cases will no longer be assigned to DRGs 121 and 122 in FY 1990, we have left all acute myocardial infarction cases in DRGs 121 and 122 in recalibrating the weights. In addition, since we cannot predict which cases will no longer be assigned to DRGs 121 and 122 in FY 1990, we have no basis for determining an appropriate adjustment to the DRG weights for DRGs 121 and 122 to reflect the new DRG assignments.

We believe it would be inappropriate to continue assigning the nonacute cases to DRGs 121 and 122 for payment purposes until FY 1992 because it would result in continued excessive payments for the nonacute cases without improving the payment accuracy for the acute cases in DRGs 121 and 122.

Finally, we note that to the extent DRG reclassification and recalibration contribute to a lower case-mix index value in FY 1990 than we projected in normalization, this effect would be taken into account in any future adjustment for the aggregate effects of the FY 1990 GROUPER changes and recalibration on changes in the case-mix

Comment: One commenter expressed opposition to our decision to assign cases involving the readmission of patients within 8 weeks of a myocardial infarction to one of the atherosclerosis DRG (132 or 133) rather than to one of the myocardial infarction DRG (121, 122. or 123). The commenter claims that Medicare patients who have had myocardial infarctions can be expected to have increased admissions in the first four weeks following infarction because of complications. The commenter asserted that the resources required to care for this group of patients increases

because of the recent myocardial infarction and, thus, these cases should be assigned to one of the myocardial infarction DRGs.

Response: We acknowledge that some Medicare patients are at risk of complications in the first few weeks after a myocardial infarction. We believe that the commenter may have misinterpreted the proposed rule in which we indicated in Table 6a that the new codes for myocardial infarction. subsequent episode of care would be assigned to one of the atherosclerosis DRGs (132 or 133). The GROUPER will only assign these cases to DRG 132 or 133 if myocardial infarction subsequent episode of care is listed as the principal diagnosis. If the patient is admitted with a complication of myocardial infarction, then the complication would be listed as the principal diagnosis and the patient would be assigned to a DRG other than 132 or 133. It should be noted that we have created two new diagnosis codes (429.71 (Acquired cardiac septal defect) and 429.79 (Other certain sequelae of myocardial infarction, not elsewhere classified)) to allow for accurate reporting of complications of myocardial infarction. These codes are assigned to DRG 124, 144, or 145.

Comment: Several commenters opposed the addition of the new procedure codes specific to alcohol and drug detoxification and rehabilitation (94.61 through 94.69) to DRG 433 (Alcohol/Drug Abuse or Dependence, Left Against Medical Advice). These commenters noted that adding these new procedure codes to DRG 433 was unnecessary because the presence or absence of these procedure codes would not affect assignment to DRG 433.

Response: We agree with the commenters that it is unnecessary to add procedure codes 94.61 through 94.69 to DRG 433. A case in which the patient was discharged from the hospital against medical advice will group to DRG 433 regardless of whether detoxification or rehabilitation has been provided. Therefore, we are not adding procedure codes 94.61 through 94.69 to DRG 433. In addition, we are not adding procedures codes 94.62 (Alcohol detoxification), 94.65 (Drug detoxification), or 94.68 (Combined alcohol and drug detoxification) to the GROUPER logic for DRG 434 or 435. Detoxification procedures should be coded only if provided, but are not required for grouping to DRG 434 or 435. Rehabilitation procedure codes are required for DRG 436; both rehabilitation and detoxification codes are required for DRG 437.

7. Other Issues

a. Cochlear Implants. In the September 30, 1988 final rule (53 FR 38476), we agreed to reevaluate the placement of cochlear implant discharges in DRG 49 (Major Head and Neck Procedures) based upon billing data from FY 1988. While cochlear implant cases may not be clinically coherent with other discharges assigned to DRG 49, the FY 1988 Medicare data still do not indicate there would be a material difference in the weighting factors if a separate DRG were created for cochlear implants.

Comment: Several commenters expressed concern that the classification of cochlear implant cases to DRG 49 is inappropriate in terms of both clinical coherency and resource intensity and could limit the availability of cochlear implants to Medicare beneficiaries. One commenter suggested that there are several causes for the low average charges in the MEDPAR data. First, the data reflect the less expensive single-channel device that is no longer manufactured and, as a result, understate the cost of the multi-channel device. Second, the commenter noted that the cost of the device is 84 percent of the charges and maintains that this creates an "expensive device bias" that provides hospitals with little incentive to control the nondevice related expenses and makes cochlear implant procedures not clinically coherent with the other procedures in DRG 49. Finally, the commenter has analyzed the FY 1988 MEDPAR file and alleges that 25 percent of the cases coded as cochlear implants do not reflect the cost of the cochlear implant device. The commenter believes that procedure code 20.96 (Unspecified cochlear implants) has been misused and should be eliminated.

Response: We have re-examined the most recent FY 1988 MEDPAR file and continue to believe that it would not be appropriate to establish a separate DRG for cochlear implant procedures at this time. As indicated in the proposed rule (54 FR 19642), the 113 cases coded as cochlear implants constitute only two percent of the total discharges in DRG 49. Moreover, if we were to remove the cochlear implant cases from DRG 49 and establish a separate DRG based on the FY 1988 MEDPAR data, the weighting factor for cochlear implants would be less than the factor for DRG 49.

We examined the effect the removal of procedure code 20.96 (Implantation or replacement of cochlear prosthetic device NOS) and 20.97 (Single-channel device) would have on the average charges for DRG 49 cases and for cochlear implant cases. We determined

that the removal of either or both of these two procedure codes would have no significant impact of the weighting factor for DRG 49. Further, the average charge for cases coded with procedure code 20.98 (Multi-channel device) is less than the average charge for DRG 49 cases. With regard to the commenter's concern that the average charges may be understated because 25 percent of the cases coded as cochlear implants do not reflect the cost of the cochlear implant device, we can only assume that what a hospital submits as its charges on each bill are in fact the actual total charges for the case. A hospital is under no obligation to show charges equal to or greater than its costs for the services.

Finally, we recognize that some hospitals may be experiencing problems with the coding of cochlear implant cases. As an educational effort to encourage proper use of the cochlear implant codes, we are asking the American Hospital Association to address this issue in their coding publication "Coding Clinic for ICD-9-CM". In addition, we will furnish all Peer Review Organizations with a copy of this document for their consideration in reviewing the proper coding and DRG

assignment of cases.

b. Expansion of the List of DRGs Partitioned by Complications and Comorbidities (CCs). In the September 30, 1988 final rule (53 FR 38491), we agreed to reevaluate the importance of CCs in DRGs not currently partitioned by the presence or absence of CCs. We have funded a number of studies in recent years designed to evaluate and improve the measurement of hospital case mix. In one recently completed study, Yale University has developed a refined DRG system that differentiates patients within each DRG based on whether they had catastrophic, major, moderate, or minor or no CCs.

The DRG refinement model produces significant improvements in predicting resource use and does not represent a radical departure from the current structure of the DRGs nor does it require the collection of any additional data. Although the results of this study appear promising, we are unable to implement the refined DRG system at this time since the appropriateness of the expanded DRGs has not been confirmed. Also, we need to analyze whether adoption of the refined DRG system would require other conforming changes to the payment system (that is, reestimation of the indirect medical education adjustment factor and the disproportionate share adjustment factor and reevaluation of the need for separate urban and rural rates) in order

to mitigate a potentially large redistribution of Medicare payments across different categories of hospitals. We intend to reevaluate the importance of CCs in the nonpaired DRGs as part of our analysis of the Yale study results.

Comment: One commenter requested information on how many DRGs are defined in the "Refined Yale GROUPER" and its possible use for FY 1991.

Response: Under the Refined Yale GROUPER (the Yale model), a patient is first assigned to an MDC based on his or her principal diagnosis code. Then, if the patient had a temporary tracheostomy (except for patients assigned to MDC 3 or MDC 15) or died within 2 days of admission (medical patients only), the case is assigned to a tracheostomy or early death group. The MDCs in the Yale model are identical to the MDCs defined GROUPER 6 (effective October 1, 1988).

A patient not classified as "temporary tracheostomy" or "early death" is assigned to one of 317 subgroups (referred to as ADRGs) based on his or her principal diagnosis (medical hospitalization) or major procedure performed (surgical hospitalization) Finally, patients in each of the medical and surgical ADRGs are divided into final groups (RDRGs) based on classes of additional diagnoses. The classes for medical cases represent subsets of additional diagnoses on the GROUPER 6 comorbidities and complications (CCs) list to indicate a major, moderate, and minor or no effect on resource use. Surgical classes represent those cases with a catastrophic, major, moderate, or minor or no effect on resource use. Patients with no additional diagnoses are assigned to the class with minor or no effect on resource use.

This assignment algorithm applies to all MDCs except MDC 3 and MDC 15. In MDC 3 (Diseases and Disorders of the Ear, Nose and Throat), only medical patients can be assigned to the initial tracheostomy group. In MDC 15 (Newborns and Other Neonates with Conditions Originating in the Perinatal Period), a model specific to neonates was developed. Excluding MDC 15, there are a total of 1,126 refined DRGs: 167 medical ADRGs with three classes; 145 surgical ADRGs with four classes; 22 early death groups; 22 temporary tracheostomy groups; and one group for discharges with ADRGs 468, 469, 470, 476, and 477.

We are continuing to evaluate the Yale recommendations and to assess the most appropriate DRG groupings as part of our ongoing research concerning potential methodologies for incorporating severity measures into the prospective payment system. We have no plans to implement the Yale model in

FY 1991. However, it is possible that selected aspects of the system (for example, the method for assigning ventilator patients) could be implemented independently of the rest of the Yale model if our analysis indicates that they are the preferred models for classification.

c. Limb Salvage Surgery. In the September 30, 1988 final rule (53 FR 38483), we stated that we had become involved in a broad analysis of the classification of certain major cardiovascular procedures that could potentially result in the restructuring of DRG 108 (Other Cardiothoracic or Vascular Procedures With Pump), DRG 109 (Other Cardiothoracic Procedures Without Pump), DRGs 110 and 111 (Major Reconstructive Vascular Procedures Without Pump), and DRG 112 (Vascular Procedures Except Major Reconstruction Without Pump). This analysis evolved from our ongoing DRG refinement analysis.

The problem that has been observed is that the DRG system provides the same payment to hospitals for patients who require an arterial reconstruction for intermittent claudication as it does for those patients who require the same kind of operation for limb threatening ischemia (that is, for gangrene, a nonhealing ischemic ulcer, or severe ischemic rest pain).

Based on our review of these cases, we have not determined if this problem can be solved through a change in the

GROUPER logic. Since the same surgical procedure is performed for each group, it is impossible to differentiate on that

basis alone.

It appears from all the data we have analyzed thus far that we are dealing with different quantities that legitimately fall under virtually identical categories in the ICD-9-CM. Different surgeons are performing the same basic procedures on patients who fall at the opposite ends of the range in severity of the manifestations of peripheral vascular disease. The GROUPER program can assign only the codes listed on the billing record, and the distinguishing secondary diagnoses of gangrene and decubitus ulcers are perhaps not shown as often as they actually occur. As long as the procedures involved are found to be medically appropriate, it would be contrary to one of the basic premises of the prospective payment system to create expensive and inexpensive subcategories of cases exhibiting similar ICD-9-CM coding.

Therefore, although we will continue to examine this issue, we did not propose to make any changes to DRGs 108 through 112.

Comment: Several commenters expressed concern that continued inadequate payment for limb salvage cases could limit the availability of the procedure and create incentives to perform amputation. One commenter recommended that cases in DRG 110 (Major Reconstructive Vascular Procedure Without Pump With CC) be differentiated based on whether there is a gangrenous lesion that could lead to amputation of the limb. This change would not require modification of the procedure codes.

Response: We will continue to analyze the cases in DRG 110 with attention to the classification change suggested by the commenter.

d. Reassignment of Patients with Guillain-Barre Syndrome. Guillain-Barre syndrome is a postinfectious polyneuropathy in which patients may require plasmapheresis, ventilation assistance, and long intensive-care stays. Guillain-Barre syndrome discharges have been assigned to DRGs 18 and 19 (Cranial and Peripheral Nerve Disorders]. ProPAC believes that the classification of Guillain-Barre syndrome cases into DRGs 18 and 19 is inappropriate in terms of resource use: that is, the average resource use associated with Guillain-Barre syndrome cases is higher than the resource use for average cases in DRGs 18 and 19. In its recommendation 13, ProPAC recommended that the Secretary reassign patients with Guillain-Barre syndrome from DRGs 18 and 19 to DRG 20 (Nervous System Infection Except Viral Meningitis) and DRG 34 (Other Disorders of Nervous System With CC); alternatively, a new DRG could be established.

As we stated in the proposed rule, we are unable to evaluate the appropriateness of a classification change for Guillain-Barre syndrome patients without further analysis of the FY 1988 MEDPAR data. Moreover, the issue of whether reclassification to DRGs 20 and 34 would be clinically consistent warrants further examination. We will examine this issue as part of our ongoing DRG refinement analyses.

Comment: ProPAC expressed concern that, given the magnitude of differences between costs for Guillain-Barre cases and other cases with cranial and peripheral nerve disorders in DRGs 18 and 19 (Cranial and Peripheral Nerve Disorders) found in its analysis of FY 1987 MEDPAR data, it was unclear why HCFA feels analysis of FY 1988 data is required before a classification change can be proposed. ProPAC believes that the prospective payment system must be sufficiently flexible to correct payment inequities in a timely fashion.

Response: When possible payment inequities are brought to our attention, we try to analyze and respond in a timely fashion. However, ProPAC's recommendation concerning alternative classification methods for Guillain-Barre cases was not presented to us until March 1, 1989. This did not provide adequate time to investigate the issue thoroughly and to analyze the appropriateness of the alternative classifications suggested by ProPAC before publication of the proposed DRG changes and relative weights.

While we appreciate and welcome ProPAC's analyses of DRC classification issues, ProPAC's studies do not relieve us of our responsibility to analyze the data and other evidence that would support a classification change and to determine the impact the change would

have on the affected DRGs.

Our review of the FY 1988 MEDPAR data since publication of the proposed rule confirms ProPAC's finding that Guillain-Barre cases are more resource intensive than other cases within the same DRG. As we indicated in the proposed rule, we will examine the issue of the appropriate DRG classification for these cases as part of our ongoing DRG

refinement analyses.

e. Electrophysiological studies. In the September 30, 1988 final rule, we discussed our inability to determine whether electrophysiologic (EP) studies should be treated as OR procedures in order to have an effect on DRG assignment. (53 FR 38488.) We stated that the FY 1987 MEDPAR data indicated that the incidence of EP studies was too small to warrant differential payment. We encouraged hospitals to code EP studies on their billing forms so that we might conduct a more thorough analysis of this procedure.

Comment: The American College of Cardiology, a number of cardiologists and electrophysiologists, and a major health industry manufacturer objected to the continued treatment of procedure code 37.26 (Cardiac electrophysiologic stimulation and recording studies) as a non-OR procedure since this would mean that this procedure would continue to have no effect on DRG

assignment.

A majority of the commenters believe that EP studies should be treated as either a cardiac catheterization or an OR procedure for the purpose of DRG assignment. Although generally performed in a catheterization laboratory or radiology suite rather than in an operating room, EP studies involve significant levels of time and resources

in managing patients with potentially life-threatening cardiac arrhythmias. Multiple drug testing in cases that do not ultimately involve surgery can involve stays of over 2 weeks in length.

Response: EP studies and cardiac mapping were previously identified temporarily under procedure code 37.29 (Other diagnostic procedures on the Heart) long with HIS Bundle until October 1, 1988 when the distinct ICD-9-CM procedure code for EP studies became effective. EP studies have been used since the early 1980's to determine the appropriate antifibrillation agent to be prescribed for patients with inducible cardiac arrhythmias. In the absence of verifiable data under the temporary code, we reasoned that the cost of EP studies should have already been reflected in the relative weights of both the medical and surgical DRGs in which such cases had been classified.

In our analysis of this issue as presented in the September 30, 1988 final rule, we concluded that the number of cases available for review from the FY 1987 MEDPAR file was too small to warrant differential payment and that there are sufficient numbers of other cases to average out payments (53 FR 38489). To the extent that EP studies occurred much more frequently than our data suggested, we encouraged hospitals to record these codes on their billing forms so that we might conduct a more thorough analysis of these procedures in the future. At that time, however, we believed in was inappropriate to construct a new DRG or to test EP studies as an OR procedure.

We now have been able to analyze the bill data for a portion of FY 1989 for DRGs showing procedure code 37.26. We believe it supports the comparability of EP studies to cardiac catherization procedures in terms of resource use and time required. Based on this analysis and the concurrence of our medical staff, we are making a number of changes in the DRG assignment of procedure code 37.26 for discharge occurring on or after October 1, 1989.

We found code 37.26 in 1.0 percent of the available FY 1989 data for DRGs 138 and 139. Although this is not a great increase, we believe that it is significant that over 80 percent of the codes were shown in medical DRGs. (We would not necessarily expect to find EP studies coded on surgical bills because in the limited space available, there are procedure codes that are much more likely to be coded if performed because, unlike EP studies, these other codes may affect DRG assignment.)

Therefore, based on public comment and our analyses, in MDC 5, DRGs 104 and 106, we are adding 37.26 to the listing of nonoperating room procedures. In DRGs 108 and 112, we are adding 37.26 as a nonoperating room procedure. This HSI Definitions Manual will show this as: Or, NON-OPERATING ROOM PROCEDURE, 3726 Cardiac electrophysiologic stimulation and recording studies. (The code will be shown in the short description.)

We have determined from our discussions with a manufacturer of the automatic implantable cardioverter defibrillator (AICD) that the EP studies performed during the implantation, revision, or replacement of an AICD is considered to be a part of the procedure and thus would not be coded in addition to the AICD procedure codes (37.94–37.98). The HCFA representatives on the ICD-9-CM Coordination and Maintenance Committee and the Editorial Advisory Board of AHA's "Coding Clinic" intend to publish information to clarify the use of this code in its new classification.

f. Automatic Implanted Cardioverter Defibrillator (AICD).

Comment: The manufacturer of the automatic implanted cardioverter defibrillator (AICD) system currently available recommended three specific changes in the DRG assignment of the AICD procedure codes as follows:

 Cases in which a patient undergoes initial AICD system implantation and EP testing should be classified into DRG 104 (Cardiac Value Procedure With Pump and With Cardiac Catherter).

 When a total AICD system is implanted in two stages on different days in the same hospitalization (that is, the lead system is implanted on one day and the AICD device is implanted on a subsequent day), the case should be assigned to DRG 104.

 AICD replacement cases should be moved from DRG 120 (Other Circulatory System OR Procedures) and be reassigned to DRG 109 (Other Cardiothoracic Procedures Without

Pump).

The commenter submitted a contractor study that concluded that the average standardized charges for AICD replacement cases are understated in the FY 1987 MEDPAR file. Based on a survey of physicians and hospitals that perform this procedure that analyzed the 167 AICD replacement cases in the FY 1987 MEDPAR file, the contractor found that—

- 31 percent of the cases were from hospitals that had never purchased an AICD device, which implies that the ICD-9-CM coding shown on the claim is not correct;
- 6 percent of the cases were not AICD replacements but nevertheless

were from hospitals that purchased and implanted AICD devices; and

 8 percent of the cases were from hospitals that undercharged or never charged for the device.

We also received a large number of comments from physicians and organizations that made the same recommendations.

Response: We agree that when a patient undergoes complete baseline EP testing to determine the proper treatment of their cardiac arrhythmias ultimately receives a defibrillator implant in the same admission, that discharge should be assigned to DRG 104. Accordingly, as discussed above, we have added EP testing as a nonoperating room procedure to DRG 104.

In response to the suggestion concerning AICD systems that are implanted during two separate operations on different days in the same hospital stay, we had not previously classified these cases in DRGs 104 and 105 for two reasons. We did not have data for either the separate initial implant or replacement of a defibrillator device and leads in our data base. Additionally, our medical staff and consultants were not convinced that this technique of separate operations is widely practiced. Thus, the ICD-9-CM procedure codes 37.95 (Implantation of automatic cardioverter/defibrillator lead(s) only) and 37.96 (Implantation of cardioverter/defibrillator pulse generator only) are assigned to DRG 120 (Other Circulatory System OR Procedures). Code 37.95 is currently included on the Medicare Code Editor (MCE) list of noncovered OR procedures.

It is our understanding that medical records administrators would not generally substitute code 37.94 (Implantation or replacement of automatic cardioverter/defibrillator, total system [AICD]) for the two separate procedures because it would not represent the events involved in the patient's treatment. We have not previously found cases with the two initial implant codes nor have we found the two replacement codes (37.97 and 37.98) in combination in prior data bases. However, the FY 1988 MEDPAR data include one case with a two-stage initial implant and three cases with a two-stage replacement.

Even though it seems to be rare in the Medicare population, we agree that if an entire system is implanted or replaced in separate stages of the same admission, it should be assigned to DRG 104 or DRG 105. Therefore, we are removing code 37.95 from the MCE noncovered procedure edit and adding the following

code pairs to the OR procedure list for DRGs 104 and 105:

37.95 and 37.96 37.97 and 37.98

With regard to the classification of replacement or insertion of AICD leads or pulse generator alone, we continue to believe that placement in DRG 120 is appropriate for these procedures. Our analysis of the FY 1988 MEDPAR data for DRG 120 indicates that the standardized charges for cases with the code for replacement of an AICD lead or pulse generator alone is more than \$3,000 lower than the standardized charge for the DRG. In addition, the standardized charge for the DRG is \$14,250 compared to the \$15,000 minimum cost estimated in the contractor's study for an AICD replacement case in FY 1987 (based on the cost of the device and a 2-day hospital stay). Even allowing for inflation, the estimated cost for the replacement cases is well within the variation in charges for DRG 120.

The commenter's recommendation to reassign the AICD replacement cases to DRG 109 is based on comparing the average weight for DRG 109 with an imputed weight for the AICD replacement cases based on the cases in the study with the average charges in excess of \$15,000 and imputed charges for those cases in which the hospital implanted the device but undercharged or or did not charge for the device. The imputed charges were based on the cost of the device plus a 14 percent markup. We do not believe it is appropriate to make DRG classification changes using imputed charges in this manner. We can only assume that what the hospital submits as its charges on each bill are in fact the actual total charges. A hospital is not under any obligation to show charges equal to or greater than its costs for services.

Finally, we share the commenter's concern that the procedure codes for AICD replacement should be properly used. Therefore, we will furnish the information provided by the commenter about potential improper coding to the PRO's for their review.

g. Tissue Plasminogen Activator (TPA).

Comment: A commenter expressed concern that the recalibration process does not account adequately for the costs incurred by hospitals in using tissue plasminogen activator (TPA). The commenter requested an adjustment in the weights to ensure that the use of TPA is adequately reflected and recommended further analysis of the DRG classification for patients with acute myocardial infarctions to ensure

that the DRGs consist of homogenous groupings based on clinical and cost criteria.

Response: As indicated in the September 30, 1988 rule 53 FR 38491), we believe that the update factors provided for in section 1886(b)(3)(B)(i) of the Act and the annual recalibration process provide sufficient recognition of the cost of TPA. Since the recalibration process uses actul charges, hospital resources directly associated with TPA in FY 1988 were used in the calculation of the DRG weights. In this regard, the costs of the drug may be offset by shorter hospital stays.

With regard to the DRG classification of patients with acute myocardial infarctions, we note the change we are making that is effective for discharges on or after October 1, 1989 to assign the less resource-intensive patients who are not suffering an acute myocardial infarction but who are readmitted to the hospital within 8 weeks of a myocardial infarction to one of the atherosclerosis DRGs (DRG 132 or 133) should improve the clinical homogeneity of the acute myocardial infarction DRGs (DRGs 121, 122 and 123). As data reflecting this change become available, we will review the appropriateness of the DRG assignments as part of our ongoing review of the DRG classification system.

h. MDC 8: Diseases and Disorders of the Musculoskeletal System and Connective Tissue.

Comment: We received one comment concerning DRG 209 (Major Joint and Limb Reattachment Procedures) and DRG 471 (Bilateral or Multiple Major Joint Procedures of Lower Extremity). The commenter asserted that, in terms of weighting and classification, the prospective payment system has not kept pace with technological advancements connected with these two DRGs. The commenter stated that there are two variations in joint replacement surgery that are more costly than the average joint replacement surgery case: one that involves the use of a porouscoated prosthesis and the other is revision joint replacement surgery. The commenter recommended that we analyze our data to determine whether they support the addition of a new DRG for porous-coated joint replacement surgery and a new DRG for revision joint replacement surgery.

Response: The commenter raises a new issue concerning DRGs 209 and 471 that was not discussed in the proposed rule. With regard to the variations in joint replacement surgery described by the commenter, several coding changes have been made (see Tables 6b and 6c as set forth in the addendum to this final

rule) that will be effective for procedures performed on or after October 1, 1989. Basically, the codes no longer differentiate between procedures in which cement is used and those in which it is not. However, new codes were added and revisions to existing codes were made to better identify and separate revision joint replacement surgery cases from initial joint replacement surgery cases. We will evaluate the effect of these coding changes on DRG assignment and weights after data reflecting these changes become available.

i. Autologous Bone Marrow

Transplantation.

Comment: One commenter addressed the methodology for classifying autologous bone marrow transplants and the payment levels of DRG 394 (Other OR Procedures of the Blood and Blood Forming Organs), DRG 400 (Lymphoma and Leukemia with Major OR Procedure), DRG 406 (Myeloproliferative Disorder or Poorly Differential Neoplasm With Major OR Procedure with CC), and DRG 407 (Myeloproliferative Disorder or Poorly Differential Neoplasm With Major OR Procedure without CC) in which most autologous bone marrow transplant cases would be assigned. The commenter submitted its study of operating costs and Medicare payments for autologous bone marrow transplants. The findings of this study suggest there is a significant classification problem with autologous bone marrow transplant cases with the existing DRGs and that this problem results in very significant losses to hospitals.

The commenter pointed out that because there is no unique DRG for bone marrow transplants, these cases are placed in the same DRGs as much less resource intensive cases, and as a result of averaging, the bone marrow transplant cases will be underpaid. The commenter stated that the difference between costs and the low Medicare payment level provides significant disincentives for hospitals to perform autologous bone marrow transplants for Medicare patients. The commenter expressed concern that hospitals that perform autologous bone marrow transplants could be forced to shift costs to other programs or payers and that access to bone marrow transplants might be reduced for Medicare patients due to inadequate payment policies.

Response: The commenter has raised an issue that was not discussed in the proposed rule. Medicare began coverage for autologous bone marrow transplants on April 28, 1989. Our methodology for classifying and determining the weight for bone marrow transplants cases is the

same as the methodology for all other nonorgan transplant cases. (The Medicare manual issuances (Medicare Hospital Manual Transmittal No. 586. published in June 1989 and Medicare Intermediary Manual Transmittal No. 1426, published in May 1989) that announced our coverage of autologous bone marcw transplants contained some errors concerning payment for these bone marrow transplants. We incorrectly stated that bone marrow acquisition costs are paid on a reasonable cost basis; however, this is incorrect as this cost is included in the prospective payment amount. Also, physician services are billed under Part B at 80 percent of the reasonable charge as determined by the Medicare carrier (rather than 100 percent as stated in the manual issuances).)

Bone marrow transplants cases will be assigned to existing DRGs until data on Medicare patient experience is developed that indicate that a separate DRG would improve both clinical coherence and homogeneity with respect to resource use for a new DRG. Since coverage of the procedure was established only in April 1989, limited data will be available for analysis in the coming year. However, we will review the available data and, in doing so, we will take into account the commenter's

indings.

j. GROUPER E codes.

Comment: One commenter recommended that the GROUPER be modified so that E codes, which are used to classify external causes of injury and poisoning, will not affect DRG assignment of cases in MDC 15 (Newborns and Other Neonates with Conditions Originating in Perinatal Period). The commenter pointed out that cases in MDC 15 with E codes are assigned to DRG 390 (Neonates with Other Significant Problems) and recommends that the GROUPER be modified to eliminate this problem even though this is not a major problem for Medicare's population since the GROUPER is used by payors other than Medicare.

Response; We agree that the GROUPER should not assign MDC 15 cases with an E code to DRG 390. We will address this problem in next year's GROUPER changes; that is, the DRG reclassification changes effective for FY 1991.

k. Thoracoabdominal Aortic Aneruysm (TAAA) Repair.

Comment: A commenter expressed concern that the level of resources associated with TAAA was not properly recognized by the current DRG classification system. The commenter noted that the September 30, 1988 final

rule (53 FR 38483) had indicated that we would continue to review the classification of this procedure but that we had not addressed the issue in the May 8, 1989 proposed rule. The commenter suggested that the prospective payment system, which operates on the law of averages, discourages specialization even though there is no evidence that high-volume hospitals have lower complication and mortality rates.

Response: Currently, TAAA repairs are classified in DRG 108 (Other Cardiothoracic or Vascular Procedures with Pump) and DRG 109 (Other Cardiothoracic Procedures without Pump). During FY 1988, there were 69 cases in DRG 108, the same number as in FY 1987. During FY 1988, there were 293 cases in DRG 109, an increase of approximately seven percent over the number of cases in FY 1987. TAAA repairs account for approximately two percent of all cases in these DRGs. Further, analysis of the coefficient of variation for TAAA repairs shows a much higher variable in charges within the TAAA cases than within DRGs 108 and 109.

As we noted in the September 30, 1988 final rule (53 FR 38483), we are not generally persuaded that such small numbers warrant special treatment in the context of a system built on averages. While analysis indicates that cases with TAAA procedures appear to consume more resources than the average case in DRGs 108 and 109, there is no evidence that providers of these services are suffering a financial hardship as a result of performing these services.

l. Percutaneous Transluminal Coronary Angioplasty (PTCA). In the course of analyzing the DRG logic for DRGs 106, 107, and 108 (see discussion on surgical hierarchy for MDC 5 in section II.B.3., above), we noted a problem with the assignment of percutaneous transluminal coronary angioplasty (PTCA) (procedure codes 35.96 through 36.05]. PTCA involves the insertion of a catheter in the arm or leg that is passed into the vessels that supply the heart muscle. Although PTCA is comparable clinically in resource intensity to other cardiac catheterization procedures, it is not listed as a cardiac catheterization in DRG 106 [Coronary Bypass With Cardiac Catheterization). As a result, if PTCA is performed but the patient still requires coronary bypass surgery (and does not receive another cardiac catheterization procedurel, the case will be assigned to the lowerweighted DRG 107 (Coronary Bypass without Cardiac Catheterization). Even

though we did not propose a change in the PTCA assignment, we are assigning PTCA as a cardiac catheterization procedure to DRG 106 in this final rule. The title "Non-Operating Room Procedures" is being changed to "Cardiac Catheterization Procedures" in the GROUPER definitions for DRG 106. Given the comparability of PTCA with other cardiac catheterization procedures, we believe it would be inappropriate to delay implementation of this change for another year. We note that only a small number of cases will be affected by this change.

C. Recalibration of DRG Weights

One of the basic issues in recalibration is the choice of a data base that allows us to construct DRG relative weights that most accurately reflect current relative resource use. Since FY 1986, the DRG weights have been based on charge data. The latest recalibration, which was published as a part of FY 1989 prospective payment final rule. used hospital charge information from the FY 1987 MEDPAR file. For a discussion of the options we considered and the reasons we chose to use charge data beginning in FY 1986, we refer the reader to the rules published on June 10, 1985 (50 FR 24372) and September 3, 1985 (50 FR 35652).

We proposed to use the same basic methodology for the FY 1990 recalibration as we did for FY 1989. That is, we recalibrated the weights based on charge data for Medicare discharges. However, we used the most current charge information available, the FY 1988 MEDPAR file, rather than the FY 1987 MEDPAR file. The MEDPAR file is based on fully-coded diagnostic and surgical procedure data for all Medicare

inpatient hospital bills.

The proposed recalibrated DRG relative weights were constructed from FY 1988 MEDPAR data received by HCFA through December 1988 from all hospitals subject to the prospective payment system and short-term acute care hospitals in waiver States. That MEDPAR file included data for approximately 9.7 million Medicare discharges (erroneously indicated as 9.5 million in the proposed rule). The MEDPAR file updated through June 1989 includes data for approximately 10 million Medicare discharges and this is the file used to calculate the weights set forth in Table 5 of the addendum to this

The methodology used to calculate the DRG weights from the PY 1988 MEDPAR file is as follows:

 All the claims were regrouped using the revised DRG classifications discussed above in section II.B. of this preamble.

 Charges were standardized to remove the effects of differences in area wage levels, indirect medical education costs, disproportionate share payments, and, for hospitals in Alaska and Hawaii, the applicable cost-of-living adjustment.

 The average standardized charge per DRG was calculated by summing the standardized charges for all cases in the DRG and dividing that amount by the number of cases classified in the DRG.

 We then eliminated statistical outliers using the same criterion as was used in computing the current weights.
 That is, all cases outside of 3.0 standard deviations from the mean of the log distribution of charges per case for each DRG were eliminated.

 The average charge for each DRG was then recomputed excluding the statistical outliers and divided by the national average standardized charge per case to determine the weighting

factor.

 We established the weighting factor for heart transplants (DRG 103) in a manner consistent with the methodology for all other DRGs except that the heart transplant cases that were used to establish the weight were limited to those Medicare-approved heart transplant centers that have cases in the FY 1988 MEDPAR file.

Kidney acquisition costs continue to be paid on a reasonable cost basis but, unlike other excluded costs, kidney acquisition costs are concentrated in a single DRG (DRG 302, Kidney Transplant). For this reason, it was necessary to make an adjustment to prevent the relative weight for DRG 302 from including the effect of kidney acquisition costs, since these costs are paid separately from the prospective payment rate. Kidney acquisition charges were subtracted from the total charges for each case involving a kidney transplant prior to computing the average charge for the DRG and prior to

eliminating statistical outliers.

Heart acquisition costs, like kidney acquisition costs, continue to be paid on a reasonable cost basis and are similarly concentrated in a single DRG (DRG 103, Heart Transplant). Accordingly, for the heart transplant cases in the updated MEDPAR file used for recalibration, we subtracted from the total charges of each case an estimate of heart acquisition charges prior to computing the average charge for the DRG and prior to eliminating statistical outliers, identical to the adjustment we make for removing kidney acquisition charges from cases in DRG 302. For additional information about the methodology for estimating heart

acquisition costs, see the September 1, 1987 final rule at 52 FR 33037. In the proposed rule, we indicated that if adequate heart acquisition charge data were available from the bills used to determine the final DRG weights, we would use the actual heart acquisition charges in establishing the final FY 1990 weight for DRG 103. Our analysis indicates there were 110 cases in DRG 103 in the updated MEDPAR file. However, only eight of these cases had heart acquisition charges shown on the bill. Given the discrepancy between the total number of cases in the DRG and the number of cases with heart acquisition charges, we have decided to continue to estimate heart acquisition charges rather than to use the limited charge data reported on the MEDPAR

When we recalibrated the DRG weights for FY 1986, FY 1988, and FY 1989, we set a threshold of 10 cases as the minimum number of cases required to compute a reasonable weight. In FY 1989, there were 35 DRGs that contained fewer than 10 cases. We proposed to use that some case threshold in recalibrating the DRG weights for FY 1990. In the FY 1989 recalibration, we computed the weight for the 35 low-volume DRGs by adjusting the original weights of these DRGs by the percent change in the weight of the average case in the remaining DRGs. We proposed to use this same methodology for the FY 1990 recalibration. Using the FY 1988 MEDPAR data set, there are 27 DRGs that contain fewer than 10 cases.

ProPAC, in its March 1, 1988 report, had recommended that the DRG weights be recalibrated annually on the basis of costs rather than charges. However, ProPAC indicated concern about the Medicare cost-finding methods for estimating costs because the limitations of the Medicare cost report data may in some cases produce imprecise DRG weights. In the May 27, 1988 proposed rule, we indicated that we would examine the feasibility of adopting cost-based DRG weights [53 FR 19507].

Accordingly, we contracted with the Rand Corporation to evaluate both methodologies to determine which provided the better measure of resource consumption across DRGs. While there were noted differences in the recalibration results using each methodology (that is, charge-based weights resulted in higher weights for surgical DRGs and lower weights for medical DRGs, on average, relative to cost-based weights), Rand found no conclusive evidence favoring one methodology over the other. We continue to believe that the

disadvantages associated with charge-based weights are compensated for by the fact that, for purposes of recalibration, charge data are available on a more timely basis than cost data. For example, for the recalibrated weights for FY 1990, we are using FY 1988 Medicare billing data from the MEDPAR file. However, we have yet to obtain a full file of FY 1987 Medicare cost reports. Thus, any cost data we were to use for recalibration would be at least 1 year and perhaps as much as 2 years older than the most recent available charge data.

In addition, since costs are not accumulated on an individual case basis, DRG by DRG, it is necessary even in developing cost-based weights to link ancillary charge data from the claims file to cost report data as part of the process of estimating the average costs of cases in each DRG. In an attempt to make more timely estimates of costs, ProPAC also proposed in its March 1, 1988 report that the latest cost report data be used in conjunction with the most recent patient bills. However, as noted in the Rand study, this mismatch of data might cause distortions in estimating costs because it assumes that per diem costs rise uniformly across hospitals and that cost-to-charge ratios remain constant over time. In order to maintain consistency and to determine relative resource use accurately, we believe that charge data for the same period as the cost data should be used in cost-based recalibration. Therefore, if we were to recalibrate on the basis of costs, both the charge and cost data that would be used would be significantly older than the most recently available charge data.

We believe that using old data is inappropriate, particularly given the rapid advances in medical technology and resulting changes in treatment patterns. We further believe that it is in the best interest of the hospitals and Medicare beneficiaries that the resource use associated with these major new medical advances be reflected in the DRG weights as soon as possible. This can be accomplished by the use of charge-based weights computed on an

annual recalibration schedule. We are concerned that use of cost-based weights would significantly delay recognition of new technologies or greatly complicate the recalibration process by necessitating a number of special adjustments to take such new technologies into account. Therefore, absent conclusive evidence that cost-based DRG weights provide a better measure of resource consumption across DRGs, we proposed to continue using charges as the basis for recalibrating the DRG relative weights.

The purpose of making changes in the DRG classifications and weights is to reflect changes in the relative resource costs across DRGs. Thus, the changes are intended to affect the relative distribution of payments across DRGs and should not affect aggregate payments to hospitals under the prospective payment system. Each time we have recalibrated (beginning with the first recalibration in FY 1986), we have normalized the new weights by an adjustment factor intended to ensure that recalibration by itself neither increases nor decreases projected total payments under the prospective payment system. With normalization, the average case weight after recalibration equals the average case weight prior to normalization for the same set of cases.

The case-mix index is a measurement of the average DRG weight for a given set of cases. In theory, any changes in the average case-mix index value for Medicare cases after recalibration and implementation of the new GROUPER and corresponding DRG weights should be attributable to an increase in the complexity of cases that are treated or to coding changes. However, our analysis indicates that the case-mix index value for FY 1988 cases is higher when those cases are processed with the FY 1988 GROUPER than when the same cases are processed with the FY 1988 GROUPER. This demonstrates that changes we made to the GROUPER program between FY 1986 and FY 1988 inflated the case-mix index and, therefore, program expenditures.

Several changes were introduced into the GROUPER 4 program used to pay for discharges in FY 1987. These changes, which are discussed in detail in a June 3, 1986 final notice on changes to the DRG classification system (51 FR 20192) and the September 3, 1986 final rule (51 FR 31476), included the following:

 Creation of a new DRG for extensive burns with a burn-related operating procedure.

 Elimination of age considerations from the criteria for classification of two pairs of DRGs in MDC 8 (Diseases and Disorders of the Musculoskeletal System and Connective Tissue).

Changes that were made in the GROUPER 5 program used to pay for discharges in FY 1988 are discussed in detail in a September 1, 1987 final notice on changes to the DRG classification system (52 FR 33143). The most significant of these changes were—

 Creation within MDC 4 (Diseases and Disorders of the Respiratory System) of two new DRGs for tracheostomy and mechanical ventilator cases;

 Reconfiguration of the alcohol and drug DRGs;

 Elimination of age over 69 as a criterion for classification in all of the pairs of DRGs in which age over 69 and/ or CC was a factor; and

· Changes to the CC list.

We analyzed the changes in the casemix index between FY 1986 and FY 1988 because the FY 1986 cases were used to recalibrate the DRG weights in the GROUPER 5 program, which, in turn, was used to pay the FY 1988 cases that are being used to recalibrate the FY 1990 weights that will be used with GROUPER 7. To the extent that the DRG classification changes and relative weights contributed to the increase in the case-mix index, an adjustment should be made to the FY 1990 weights in order not to build the inflated FY 1988 case weights permanently into the average case weight values.

Our analysis indicated that there was a total increase in the case-mix index of 6.4 percent between FY 1986 and FY 1988, as follows:

CASE-MIX INDEX CHANGE—FYS 1986-1988

Fiscal year	Number of discharges	GROUPER version	Case-Mix index 1	Percent increase over FY 1986
1986	8,842,953 9,501,374 9,142,064	3 4 5	1.2045 1.2367 1.2824	2.7 6.4

¹ Index values reflect GROUPER version and MEDPAR data set appropriate to each year.

We analyzed the case-mix change in order to determine what portion of the increase was attributable to changes made in the GROUPER program from FY 1986 to FY 1988.

To evaluate this question, in the proposed rule, we used each of the three GROUPER programs to process and classify the bills from the FY 1988 MEDPAR. In order to process the FY

1988 cases through the earlier GROUPER versions, FY 1988 diagnostic and surgical codes were remapped into their FY 1987 equivalents prior to being processed with GROUPER 4. These codes were then remapped into their FY 1986 equivalents prior to being processed with GROUPER 3. Since the same FY 1988 cases were processed through each of the GROUPER versions,

we assumed that any differences in the average case-mix index values between the three GROUPER versions are attributable to recalibration and the changes in the GROUPER program.

We found that the FY 1988 case-mix index value was 1.35 percent greater when the cases were processed using GROUPER 5 than when using GROUPER 3, as shown below:

EFFECT OF GROUPER VERSION ON FY 1988 CASE-MIX INDEX

	FY 1988 discharges	Case-Mix Index ¹	Percent difference from GROUPER 3
GROUPER 3	9,142,064	1.2653 1.2696 1.2824	.34 1.35

¹ Represents FY 1988 MEDPAR run through each GROUPER version.

Based on this analysis, we concluded that, of the total increase in the case-mix index value from FY 1986 to FY 1988 (that is, 6.4 percent), 1.35 percent was the result of recalibration and changes made to the GROUPER program.

In normalization, we compare the average case weight before recalibration (for FY 1990, this is determined by mapping the FY 1988 claims into their FY 1989 equivalents and processing them through GROUPER 6) to the average case weight after reclassification and recalibration. Based on the above analysis, we proposed to reduce the average case weight by 1.35 percent. Without this adjustment, we would build into the FY 1990 weights an inflated average case-weight value. We did not propose to recover the excess payments that have already been made based on the inflated weights; however, it would be inappropriate to continue to pay based on these weights. Therefore, we proposed to normalize the FY 1990 weights by an adjustment factor so that the average GROUPER 7 case weight after recalibration is equal to the average GROUPER 6 case weight prior to recalibration reduced by 1.35 percent.

We received many comments from the public on the adjustment to the DRG weights, as well as many comments on DRG recalibration in general. The specific comments and our responses follow.

Comment: Many commenters supported our policy of using charge data to recalibrate the DRG weighting factors. However, several commenters stated that we should use cost data in lieu of charges when recalibrating the DRC weights.

Response: We addressed the issue of recalibration based on cost data versus charge data in detail in the May 27, 1988 proposed rule (53 FR 19507) and the September 30, 1988 final rule (53 FR 38492). We continue to believe that while, in principle, recalibration based on cost data is preferable for calculating DRG weights, in fact, there is no choice but to rely heavily on charges. The reason is that ancillary "costs" are just ancillary charges adjusted by cost-tocharge ratios. Since both "cost" and "charge" weights are very dependent on the charge data, the co-called "cost" weights are subject to many of the same limitations as the "charge" weights. Charge data, unadjusted by cost report data on cost-to-charge ratios, only lag a year behind the current fiscal year; however, cost data lag at least 1 year and up to 2 years behind the latest available charge data. Although we are attempting to accelerate the process for submitting and reviewing cost report data, there is an inherent limitation in this process in that cost reports cannot be submitted until after the end of a cost reporting period. We continue to be concerned that using older cost data would delay the recognition of new technologies and changes in medical practice patterns.

Finally, we are sensitive to the criticism expressed by some that cost-based weights are more compressed than charge-based weights, so that the use of charges tends to favor more costly, high technology services, which are more often furnished in urban hospitals. Nevertheless, we believe that the advantages of timely charge data outweigh the disadvantages discussed

above that are inherent in the use of cost data.

Comment: One commenter opposed the lower relative weight for DRGs 336 and 337 (Transurethral prostatectomy) as set forth in the proposed rule. In addition to the commenter's opposition to the overall 1.35 percent reduction (included in a separate comment and response, below), the commenter believes that any reduction in the weight of these DRGs would only increase the amount of the underpayment to hospitals for these two DRGs. The commenter provided copies of an audit of 11 Medicare and seven non-Medicare transurethral prostatectomy cases discharged within a 3-month period during FY 1989. The commenter compares the hospital's charges to the wage-adjusted DRG payment that the hospital received with no adjustment for teaching costs or the additional cost of treating a disproportionate share of lowincome patients.

Response: The commenter has expressed a basic misconception that a hospital's charges for services are comparable to the amount of Medicare prospective payment system payments to the hospital. The Medicare program has never paid on the basis of charges for inpatient services (except that, under the reasonable cost payment system, allowable costs could not exceed the hospital's charges). Moreover, the prospective payment system payment does not include capital and other passthrough costs. Therefore, an accurate comparison cannot be made between a hospital's charges for a case and the Medicare payment in order to determine the amount that payment exceeded or fell short of the cost of treating that

case. For example, we adjusted the average of the charge amounts presented by the commenter by the appropriate Statewide urban cost-to-charge ratio as set forth in Table 8 of the addendum to the September 30, 1988 final rule (53 FR 38628). The adjusted average amounts were very close to the applicable DRG payment amounts cited by the commenter.

With respect to the commenter's concern regarding adequate payment for transurethral prostatectomy cases under the prospective payment system, we must reiterate that the prospective payment system is not designed so that the payment received covers the full cost of every discharge. A hospital's payment may be greater than its costs for some DRGs and less than its costs for other DRGs. While the Medicare prospective payment amount may not cover the complete cost of care for some cases that develop complications or involve more severe illnesses or multiple procedures, there are likely to be many cases in which the Medicare payment exceeds the cost of treating the patient, and the excess payments received in these cases should offset these higher cost cases. Thus, the prospective payment system is intended to provide an incentive for hospitals to manage their operations more efficiently by evaluating those areas where increased efficiencies can be instituted without adversely affecting the quality of care and by treating a mix of cases so that payment in excess of cost on one DRG will offset costs in excess of payment of another DRG.

Comment: We received a large number of comments questioning our authority to impose an across-the board reduction in the DRG weights in order to correct for increases in the case-mix index resulting from changes in the DRG classification system and recalibration. Many commenters stated that the update factor is the traditional vehicle for incorporating coding effects into the prospective payment system and suggested that HCFA was, in effect, making an adjustment for case-mix increase twice; once in the weights and again in the update recommendation. The commenters also noted that since Congress has eliminated HCFA's discretion in setting the update factor, the decision to reduce the DRG weights by 1.35 percent is HCFA's attempt to circumvent congressional intent.

Response: We believe that the reduction in the DRG weights is necessary in order to maintain budget neutrality, and that we have the authority to make appropriate adjustments to the DRG weights to

ensure that any changes in the DRG classifications and weights do not affect aggregate payments to hospitals under the prospective payment system. Section 1886(d)(4)(A) of the Act requires the Secretary to establish a classification system for measuring relative resource consumption using diagnosis-related groups and a methodology for classifying specific inpatient hospital discharges within these groups. Section 1886(d)(4)(C) of the Act requires that these classification and weighting factors be adjusted annually beginning in FY 1988 "to reflect changes in treatment patterns, technology, and other factors which may change the relative use of hospital resources."

Since changes in the DRG classifications and weighting factors are intended to account for "relative" changes in resource consumption across DRGs, we believe it is implicit that any reclassification or recalibration, or both, of the DRGs should not influence aggregate payments to hospitals. Changes in the DRG classification system and the DRG weights are intended only to redistribute prospective payments among cases and should not increase or decrease total payments. Without the reduction in the DRG weights, we would build the inflated DRG weights resulting from changes in the classification system and recalibration into the FY 1990 prospective payment system payments.

With regard to those commenters who stated that the update factor is the vehicle that should be used to account for the effect of changes in the case-mix index on aggregate payment levels, we disagree with respect to the effects of reclassification and recalibration changes. When the increase in the casemix index is directly related to reclassification and recalibration of the DRG system, we believe it is more appropriate for the adjustment to be made in the DRG weights as an integral part of the recalibration process. We note that our update recommendation does not include this increase as a factor of consideration.

Comment: A few commenters expressed concern that a reduction in all DRG weights would have a greater effect on hospitals with a low case-mix index value than those with higher values. At least one commenter believes that .0135 would be subtracted from each DRG weight.

Response: We are implementing an across-the-board percentage reduction in the DRG weights. The impact of this reduction will fall equally on all hospitals as a percentage reduction in their average case weight and will not

be proportionately greater for hospitals with low case-mix index values.

Comment: Several commenters argued that the 1.35 percent reduction is inappropriate because GROUPER changes are made to better account for actual resource use on very costly cases and that an increase in the average case-mix index value across GROUPER versions should be an expected result. Other commenters expressed concern that the methodology used to arrive at the 1.35 percent reduction appears to discount changes in case mix, either real or related to coding, that could not be identified and measured with GROUPER 3. Once commenter suggested that some of the case-mix increase may reflect the ability of the GROUPER improvements to capture some of the increase within DRG complexity. This commenter argues that this increase represents a real increase in patient resource requirements that justifies an increase in hospital payments.

Response: The purpose of the GROUPER changes is to improve the way past cases are classified to measure relative resource consummption in establishing the DRG weights and the way current cases are classified for payment purposes. In the year in which the change are made, they are intended to be budget neutral; that is, the payments in that year should be no more or no less than the payments would have been without the changes. We proposed the 1.35 percent reduction in DRG weights because our analysis indicated that of the total increase in the case-mix index value between FY 1986 and FY 1988 (that is, 6.4 percent), 1.35 percent (about one-fifth of the total increase) resulted from the GROUPER changes and recalibration in those years. No adjustment in the DRG weights was proposed for the remaining

increase in total case-mix. To the extent the classification changes capture differences in relative resource consumption that were not previously measured (such as increases in DRG complexity) and as the frequency of the more resourceintensive cases increases relative to the frequency of the less resource-intensive cases in subsequent years, we agree that there is a change in case mix. The portion of the change in the case mix that is real (that is, that does not result from coding improvements) represents an increase in resource requirements that should be recognized by increased payments in the subsequent years. However, the actual resource requirements for a set of cases does not change merely because the cases are processed through different GROUPER

versions. Consequently, for the year in which the GROUPER refinements are initially effective, the average case weight should be the same when the cases are processed through the old and the new GROUPER versions.

In the proposed rule, we based the 1.35 percent reduction in the DRG weights on a comparison of the average FY 1988 case-mix index value with the average case-mix index value for the FY 1988 cases processed through GROUPER 3. We used only FY 1988 cases paid under the prospective payment system. Upon further analysis, we have decided to make two changes in our methodology. First, we have used data from all hospitals subject to the prospective payment system and shortterm acute care hospitals in the waiver States in order to be consistent with the data set used to recalibrate and

normalize the DRG weights. Second, we have concluded that the method we used in the proposed rule does not give appropriate recognition to changes in the distribution and resource intensity of FY 1987 cases in determining the overall adjustment for case-mix increases occurring between FY 1986 and FY 1988. To take these changes into account, we have determined the case-mix adjustment in this final rule by using two steps. First, we processed FY 1987 MEDPAR data (cases that were paid using GROUPER 4) through GROUPER 3 and computed a case-mix index value. The difference between the actual FY 1987 case-mix index value and the casemix index value for the FY 1987 cases using GROUPER 3 represents the change in case mix attributable to the GROUPER 4 classification changes. We determined there was a .29 percent

increase in the case-mix index between GROUPER 3 and GROUPER 4 using the FY 1987 cases. Next, we processed FY 1988 data through GROUPER 4 and computed an average case-mix index value. The FY 1988 case-mix index value was .93 percent higher than the case-mix index value for the FY 1988 cases processed through GROUPER 4. The combined increase was 1.22 percent. Based on this analysis, in this final rule, we have reduced the FY 1990 weights to remove the 1.22 percent increase in the average case weight attributable to GROUPER changes and recalibration between FY 1986 and FY 1988. We make this reduction by multiplying the FY 1990 weights after normalization by .9879 (1 divided by 1.0122). The results of our analysis are shown below:

EFFECT OF GROUPER VERSION ON FY 1988 CASE-MIX INDEX VALUE

	Number of FY discharges	GROUPER 3 case-mix index	GROUPER 4 case-mix index	GROUPER 5 case-mix index	Percent difference between GROUPER versions
1987	9,753,095 9,983,903	1.2354	1.2390 1.2691	1.2809	.29 .93 1.22

If we had made no change in methodology between the proposed rule and the final rule, but merely used updated FY 1988 data, the reduction would have remained at 1.35 percent.

Comment: Several commenters noted that the GROUPER changes result in a better classification system and suggested that the case-mix index value and payments that results from GROUPERS 3 and 4 were inappropriately low because these enhancements were not reflected in those GROUPERS. These commenters suggested that it is inappropriate to assume that the GROUPER 5 weights are inflated; instead, it is just as likely that the GROUPER 3 weights were deflated.

Response: The relative weights distribute payments across DRGs and should not influence aggregate payment levels. Although the new GROUPER contains improvements in the classification system and updated weights, these changes do not affect the actual resource requirements of the cases to be processed with the GROUPER and the average case weight should remain the same. If there is a change, it means that implementation of the new GROUPER was not budget neutral. Thus, the issue is not whether

the GROUPER 5 weights were inflated or the GROUPER 3 weights were deflated relative to an appropriate payment level. Rather, the issue is whether the GROUPER 5 average case weight is inflated relative to what the average case weight would be if the GROUPER revisions were implemented in a budget neutral manner.

Comment: One commenter expressed concern that HCFA attributes increases in the average case-mix index value to coding changes and suggested that no major changes have occurred in coding practices in the last three years. Therefore, it is inappropriate for HCFA to attribute increases in the case mix index value to coding changes without conducting actual reviews of coding to substantiate this claim. Another commenter noted that the upward shift in the measured case-mix index value between the two GROUPERS fails to isolate the effect of coding changes and could as readily be observed even if no DRG classifications were changed as long as the relative costliness of DRGs in the two GROUPERS is not identical. One commenter submitted an analysis concluding that changes in the average case-mix index value could be the result of three factors: real change in patient mix and improvements in the DRG

system; changes in coding result in apparent or nominal changes in case mix; and changes in the relative cost structure of the DRGs. The commenter indicated that real changes in case mix cannot be distinguished from changes in case mix that are the result of coding practices and concluded that, since HCFA cannot demonstrate that the increase in case mix is not real, the reduction in the DRG weights should not be made.

Response: In the proposed rule, we indicated that we were making the reduction in the DRG weights because our analysis indicated that changes made to the GROUPER program and recalibration, coupled with changes in hospital reporting practices made in response to those changes, inflated the case-mix index value and, therefore, program expenditures. Unfortunately, our mention of changes in hospital coding practices has confused the underlying problem the reduction in DRG weights is to address; that is, for whatever reason, the changes in GROUPER versions and relative weights between FYs 1986 and 1988 artificially inflated the FY 1988 case-mix index value and a reduction is needed in the DRG weights in order not to build the

inflated values into future prospective payment amounts.

As several commenters noted, the reason the case-mix index value for the FY 1988 cases is higher than it would have been if the GROUPER changes had not been made is because there was a change in the distribution of cases across DRGs between the cases used to determine the GROUPER 4 and GROUPER 5 relative weights and the FY 1988 cases. Relatively more cases fell into higher-weighted DRGs in FYs 1987 and 1988 than had been projected when the GROUPER 4 and GROUPER 5 relative weights were established. To some extent, the change in distribution represents a real change in resource requirements between, for example, the FY 1986 cases used in the GROUPER 5 recalibration and the FY 1988 cases paid using GROUPER 5.

The remainder of the change in distribution represents only a nominal change in the resource requirements between the two sets of cases. For example, one of the GROUPER 5 changes was to eliminate age 70 or over as a factor that would automatically classify a case into the "with CC" (complications or comorbidities) DRG of a paired DRG. We projected the impact of this change in establishing the GROUPER 5 relative weights based on the CCs coded on the FY 1986 bills. A case previously assigned to the "with CC" DRG on the basis of age was reclassified to the "without CC" DRG if no CCs were shown on the bill. In FY 1988, a higher percentage of cases in the paired DRGs had CCs shown on their bills than had been projected on the basis of the FY 1986 bills. In part, more CCs were shown because there was a real change in the percentage of patients with CCs; however, more CCs were also shown because coding of CCs had not been required under the prior GROUPER versions in order for a patient age 70 or older to be classified in the "with CC" DRG. The latter cases represent only a nominal change in resource requirements since the CCs existed but had not been coded in FY 1986. It was this type of change that prompted the reference in the proposed rule to changes in reporting practices contributing to the inflated case-mix index value.

For purposes of establishing the FY 1990 DRG weights, we do not believe it is necessary to determine how much of the change in distribution of cases was real and how much was nominal. This determination is not relevant to the basic issue of whether implementation of the new GROUPER versions and relative weights was budget neutral.

There is no change in the actual resource requirements of the FY 1988 cases when they are processed through GROUPER 4 or when the FY 1987 cases are processed through GROUPER 3. Any measured differences in the case-mix index must be attributable to the GROUPER changes and recalibrations made in those years.

Comment: One commenter maintained that with the refinements in the new GROUPER, we should expect some changes in distribution of cases and that the appropriate test for budget neutrality is the changes in the data base on which the GROUPER is developed rather than a comparison based on two different GROUPERs. Other commenters argued that our proposal to reduce the DRG weights represents a break with our historical policy of making DRG reclassification and recalibration budget neutral. Some commenters contended that the reduction is solely a budget strategy and not a methodological improvement.

Response: When we make the DRC classification changes and recalibrate the DRG weights to reflect changes in the relative resource intensity across DRGs, we normalize the new DRG weights by an adjustment factor intended to ensure that implementation of the new GROUPER version and DRG weights will be budget neutral. With normalization, the average case weight after making the GROUPER changes and recalibrating the weights equals the average case weight for the same set of cases before making any changes. We use the most recent data available to estimate the average case weight used in normalization. Nevertheless, there is a 2-year lag between the data used to establish the new DRG weights and the year the new weights are effective. For example, we used FY 1986 data to establish the FY 1988 DRG weights. Since normalization is based on the distribution of cases from 2 years earlier, the resulting factor is an estimate of the adjustment needed to ensure that the GROUPER changes and recalibration achieve budget neutrality. There is no assurance that actual expenditures will not be affected by the changes. The appropriate test for determining whether budget neutrality is actually achieved is to compare the average case weight for the actual cases processed during the year the new DRG weights were effective with the average case weight for the same set of cases using the GROUPER and DRG weights in effect in the prior year. This comparison determines what the normalization factor would have been had the actual data needed to ensure

budget neutrality had been available at the time the new DRG weights were established. We believe that this refinement is needed to assure, at the very least, that any changes in the casemix index resulting from GROUPER versions are not built into future prospective payment amounts. Therefore, the reduction is entirely consistent with our policy of making GROUPER changes and recalibration budget neutral.

Comment: One commenter argued that since HCFA is required by law to recalibrate annually, the argument that FY 1988 payments would have been lower if the GROUPER in effect in FY 1986 had still been in place for FY 1988 is irrelevant. The commenter further notes that HCFA could not have continued to use the FY 1986 reclassifications without rescinding the FY 1987 reclassifications and concluded that, at the very least, HCFA should not have compared the case-mix index value for FY 1988 cases using the FY 1986 GROUPER, but rather with the case-mix index value obtained with the FY 1987 GROUPER.

Response: We do not believe the commenter's assertion is correct. We recognize that we are required to make appropriate DRG classification changes and recalibrate annually and have not suggested otherwise. However, the GROUPER changes and changes due to recalibration should be budget neutral. The test for whether the effect of the GROUPER revisions is budget neutral is whether the case-mix index value for FY 1988 cases is the same as it would have been in the absence of those revisions.

The reduction in DRG weights is based on the changes in the case-mix index value between FYs 1986 and 1988. We chose this time period because the FY 1986 cases were used to recalibrate the DRG weights in the GROUPER 5 program, which, in turn, was used to pay the FY 1988 cases that are being used to establish the FY 1990 DRG weights. In the proposed rule, we compared the actual case-mix index value for the FY 1988 cases with the case-mix index value for these cases processed with the FY 1986 GROUPER. The 1.22 percent reduction in the final rule is based on the combined differences in the average case-mix index values between the actual FY 1988 case-mix index value and the case-mix index value for the FY 1988 cases processed with the FY 1987 GROUPER and between the actual FY 1987 case-mix index value and the casemix index value for the FY 1987 cases processed with the FY 1986 GROUPER.

Comment: One commenter asked why the FY 1988 claims were not processed through GROUPER 6 and GROUPER 7 and noted that there were changes made to these GROUPERs that may also have affected the case mix. Since GROUPER 7 will be used to pay the FY 1990 claims, the commenter suggested that normalization should be based on GROUPER 7 rather than the GROUPER that was used to pay the claims in FY 1988.

Response: The commenter appears to be confusing the normalization process with the methodology for arriving at the proposed 1.35 percent reduction (1.22 percent in this final rule). In normalizing the FY 1990 weights, we processed the FY 1988 claims through GROUPER 6 and GROUPER 7. The GROUPER 7 weights after recalibration are adjusted so that the average GROUPER 7 case weight equals the average case weight for the FY 1988 cases processed through GROUPER 6. This average case weight is then reduced to remove the inflated amounts attributable to GROUPER changes and recalibration between FY 1986 and FY 1988.

Comment: One commenter noted a difference between the number of cases used for the case-mix index comparison (9,142,064) and the 9.7 million cases shown in Table 7. The commenter suggested that each of the references to the 1988 MEDPAR data should have been identified with the date of the update and an indication of which data

had been excluded.

Response: In the proposed rule, we used FY 1988 MEDPAR data received through December 1988. In establishing the proposed relative weights, we used discharge data from all hospitals subject to the prospective payment system and short-term acute care hospitals in the waiver States. In the case-mix comparison, we included only those hospitals that were subject to the prospective payment system.

To establish the final DRG relative weights set forth in this document, we are using FY 1988 MEDPAR data received through June 1989. The number of cases used for this purpose total 9,983,359, including 81,534 statistical outlier cases and 159 cases in low-volume DRGs that were eliminated for purposes of recalibration. The statistical outlier cases are included in normalization and both statistical outlier cases and low-volume DRG cases are included in Table 7.

The 1.22 percent reduction to the DRG weights is based on analysis of both FY 1987 MEDPAR data received through June 1988 and the FY 1988 MEDPAR data received through June 1989. In this final rule, we have included data from all hospitals subject to the prospective payment system and short-term acute

care hospitals in the waiver States in order to be consistent with the data set used to recalibrate and normalize the DRG weights. There were 9,753,095 cases in FY 1987 and 9,983,903 in FY 1988 data. Slightly more FY 1988 cases (544) were used in this analysis than in recalibration because some claims could not be associated with the hospital-specific data required to standardize the charges on the bill. If we had limited the data set to prospective payment system hospitals only, as we did in the proposed rule, the resulting reduction factor would have been 1.24 percent.

Comment: One commenter questioned whether the validity of our assumption that application of the case-mix index to different GROUPERs using the same data should result in the same average case weight. The commenter suggested several factors that could account for the difference in the case-mix index value among GROUPERs using the same

data:

 A difference in the crosswalk codes used to map and to remap the data.

Errors in remapping the diagnosis

and procedure codes.

 Differences in the CCs that would be recognized in the GROUPER versions.

 A different distribution of cases grouping to each DRG across years.

Response: If a new GROUPER version is implemented in a budget-neutral manner, by definition, the average case weight for the cases processed using the new DRG version and weights should be the same as the average case weight for the same cases processed with the earlier GROUPER version and weights.

We believe that the first three factors the commenter has suggested would have an immaterial effect on the average case weight difference between GROUPER versions. For example, a difference in the crosswalk codes to map the FY 1986 codes into their FY 1988 equivalents for purposes of establishing the GROUPER 5 weights and the crosswalk codes to remap the FY 1988 codes into their FY 1987 equivalents for purposes of the analysis is not relevant. The issue was not whether the same crosswalks were used to map and to remap the data but rather whether the remapping was appropriately done. The remapping was based on "A Conversion Table of New ICD-9-CM Codes" by Robert Seaman, published in "Coding Clinic", Second Quarter 1988. This information and an explanation on how 12 surgical codes that remap into more than 1 code were handled in the analysis were provided during the comment period to individuals who requested information on this aspect of our analysis. We

received no public comments claiming that our remapping was incorrect.

The commenter correctly pointed out a problem with the CC Exclusions List (one of the GROUPER 5 changes), under which certain diagnoses included in the standard list of complications and comorbidities are not considered a valid CC in combination with a particular principal diagnosis. As a result, a FY 1988 bill in one of the affected DRGs would not necessarily contain any GROUPER 4 CCs that are not also CCs in GROUPER 5. When this bill is crosswalked back to GROUPER 4, it may not contain any GROUPER 4 CCs and would group to the lower-weighted DRG for the principal diagnosis "without CC." Although this situation could occur, we believe it would happen fairly infrequently and, for several reasons, should not have a significant effect on the results of our analysis. First, this issue relates only to the portion of the analysis concerning the remapping of FY 1988 cases from GROUPER 5 to GROUPER 4 since the CC would still be coded on the FY 1987 cases. Second, the potential situation would be limited to cases falling into one of the 115 DRG pairs. Third, most cases classified "with CC" in GROUPER 4 were because the patient was age 70 or over. This information would still appear on the FY 1988 bill and would still result in the patient being remapped into the "with CC" DRG. Finally, our analysis indicates that the percentage of CC cases within the paired DRGS using FY 1988 cases processed through GROUPER 4 (85.7 percent) is slightly higher than the percentage of CC cases within the paired DRGs using FY 1987 cases processed through GROUPER 4. Thus, it would appear that only an insignificant number of cases might have been dropped as CCs in the remapping.

The change in the relative distribution of cases between GROUPER 3 and GROUPER 5 partially explains the 6.4 percent increase in the case-mix index. However, the reduction in the weights that we proposed is not intended to account for the changes in the relative distribution of cases because it uses the same set of cases, FY 1988, in both GROUPERs.

Comment: Several commenters noted that the reduction in the DRG weights will have a differential impact on those hospitals that have not had any increase in case mix attributable to the GROUPER changes and recalibration. One commenter noted that the causes for the increase are not spread equally across all DRGs or across all hospitals. Another commenter suggested that it

would be more appropriate to make the reduction on a hospital-specific basis based on each hospital's actual

experience.

Response: We recognize that the DRG changes and recalibration in GROUPER 4 and GROUPER 5 affected the case-mix index value for some hospitals more than for others. However, the DRG weights reflect the national experience with regard to the relative resource requirements of Medicare cases. Any changes in the DRG weights are based on national average data and must apply across all classes of hospitals. To do otherwise would require establishing separate sets of weights by classes of hospitals. We believe this is neither feasible nor desirable.

Comment: One commenter expressed concern that tables equivalent to Tables 7A and 7B (length of stay tables for GROUPERs 6 and 7) were not published in the proposed rule for GROUPER 3, GROUPER 4, and GROUPER 5. The commenter suggested that these tables were needed to verify the results of HCFA's analysis. The commenter recommended that any reduction in weights be delayed until HCFA publishes these tables and the actual codes and computer procedures used to remap the codes for GROUPER 5 to CROUPER 4 and for GROUPER 4 to GROUPER 3 as well as the original codes used to map from GROUPER 3 to GROUPER 4 and from GROUPER 4 to GROUPER 5. Another commenter stated that the proposed reduction in the DRG weights represented a major departure from previous policy and the commenter indicated that more detailed information should be made available for public review and comment. One commenter believes that documentation that is adequate to evaluate the calculation of the reduction was not made available and suggested that the entire data set be submitted for a qualified, independent audit and statistical analysis.

Response: We do not publish all the material used in preparation of our proposals because of the voluminous amounts of information that would have to be published and because these data would be of limited interest to most readers. However, we agree that relevant data and information should be made available to the public. For this reason, in the proposed rule, we set up a process for expediting data requests [54 FR 19657; May 8, 1989). Thus, information relating to our study was made available during the public comment period. This information continues to be available on request.

With respect to submitting study data for an independent audit and analysis, we do not believe such an action is

necessary because we receive independent analysis through the public comment process.

III. Changes to the Hospital Wage Index

A. Background

Section 1886(d)(2)(C)(ii) of the Act required, as a part of the process of developing separate urban and rural standardized amounts for FY 1984, that we standardize the average cost per case of each hospital for differences in area wage levels. Section 1886(d)(2)(H) of the Act required that the standardized urban and rural amounts be adjusted for area variations in hospital wage levels as part of the methodology for determining prospective payments to hospitals for FY 1984. To fulfill both requirements, we constructed an index that reflects average hospital wages in each urban or rural area as a percentage of the national average hospital wage.

For purposes of determining the prospective payments to hospitals in FY 1984 and 1985, we constructed the wage index using calendar year 1981 hospital wage and employment data obtained from the Bureau of Labor Statistics (BLS) ES 202 Employment, Wages and Contributions file for hospital workers. Beginning with discharges occurring on or after May 1, 1986, we have been using a hospital wage index based on HCFA surveys of hospital wage and salary data as well as data on paid hours in hospitals. The methodology used to compute the first HCFA wage index was set forth in detail in the September 3, 1985 final rule (50 FR 35661).

For discharges occurring on or after May 1, 1986 and before September 30, 1987, the wage index was based on wage data from calendar year 1982. For discharges occurring on or after October 1, 1987 and before September 30, 1988, the wage index was based on an equal blend of calendar year 1982 and 1984

wage data.

In the September 30, 1988 final rule, we continued to use the blended wage index based on 1982 and 1984 data for determining prospective payments to hospitals in FY 1989. However, we did make some changes to the index because of the enactment of section 4005(a) of the Omnibus Reconciliation Act of 1987 (Pub. L. 100-203), which added a new section 1886(d)(8)(B) to the Act, as discussed below in section III.C. of this preamble.

B. Updating the Wage Index Data

For discharges occurring in FY 1990, we proposed to base the wage index solely on 1984 wage data. Previously, we had proposed to base the wage index for

FY 1989 solely on 1984 wage data (in the May 27, 1988 proposed rule (53 FR 19508)). However, as a result of a number of revisions to the 1984 wage data that were made between the May 27, 1988 proposed rule and the September 30, 1988 final rule, the national average hourly wage increased slightly, thereby reducing the wage index values for areas not affected by the changes. Therefore, given our concern about the negative impact on aggregate payments to hospitals, we decided to postpone adoption of a wage index based solely on the 1984 wage data. Our current analysis indicates that moving from a blended wage index to one based solely on 1984 data does not have a significant impact on aggregate prospective payments.

As discussed below in section III.D. of this preamble, we indicated that we are conducting a survey to collect wage data for the FY 1991 update to the wage

index.

Comment: Several commenters indicated that, even though it would result in using older data, we should continue to use the blended wage index based on 1982 and 1984 wage data until the wage index based on data from the new wage survey Form 2561 is available for use. Many of these commenters believed that the 1984 wage data contain numerous errors as evidenced by HCFA's continuous actions to make corrections to those data. However, there were several commenters who believed that using the 1984 wage survey data represents an improvement over the current blended wage index.

Response: While it is true that we continue to accept corrections to the 1984 wage survey data, we believe that the 1984 wage data are generally accurate. The 1984 wage survey was completed by 99.5 percent of all hospitals subject to the prospective payment system, while only 92.5 percent of hospitals responded to the 1982 survey. We have resolved each correction that has come to our attention and we have revised the wage index

prospectively.

In addition, over 67 percent of the 1984 wage surveys were audited, while the final 1982 data came from the hospital directly and were not audited. We believe that the fact that corrections have been made to the 1984 data should not be construed as an indication that the 1984 data are less valid; we have made corrections to the 1982 wage data as well. We believe that the 1984 wage data represent the latest and most complete and accurate data currently available for constructing the hospital wage index. Given the criticisms we

have received concerning the use of old data, we do not believe it is appropriate to continue to use 1982 wage data in constructing the wage index.

We note that recent corrections have resulted in relatively small changes to the wage index values for most affected Metropolitan Statistical Areas (MSAs) and rural areas. As a matter of fact, several corrections resulted in no change or a change to only the third or fourth decimal place of the wage index

value for the affected area.

Comment: Several commenters suggested that the wage index based solely on 1984 data should be adjusted so that implementation of the wage index does not result in any reduction to total aggregate prospective payments (that is, changes to the wage index should be budget neutral). One of these commenters believes that any change made to the prospective payment system should be budget neutral except for provisions that Congress has specifically indicated should result in an increase or decrease in payments. Another commenter cited language in the Conference Committee Report that accompanied Pub. L. 100-203, which states, "The conferees intend that the Secretary implement any update of the wage index in a budget neutral manner." (H.R. Rep. No. 495, 100th Cong., 1st Sess. 526 (1988).)

Response: While it is true that implementation of the new wage index does have the effect of reducing Medicare payments by an estimated 0.1 percent, we are not making a budget neutrality adjustment to the revised wage index for several reasons. First, we consider 0.1 percent to be insignificant in terms of total program payments made to hospitals under the system. In addition, the 0.1 percent reduction results not only from the implementation of a wage index based solely on 1984 data but also from the wage data corrections. If the original wage data had been reported accurately, implementation of the new wage index would have less impact on

program outlays.

Finally, since the implementation of the prospective payment system, we have made other changes to the hospital wage index without making a budget neutrality adjustment. Historically, these changes have both decreased and increased the total Medicare prospective payment to hospitals. For example, when we implemented the wage index for FY 1988 (that is, the 1982/1984 blended wage index), we estimated that the total Medicare prospective payments would increase by 0.1 percent, but we made no budget neutrality adjustment.

The conference committee language cited by one commenter accompanied changes made by Congress in section 4004 of Pub. L. 100-203. Section 4004(a) of Pub. L. 100-203 amended section 1886(d)(3)(E) of the Act to require the Secretary to update the hospital wage index no later than October 1, 1990 (and at least every 36 months thereafter) based on a survey of wages and wagerelated costs in prospective payment hospitals. We interpret the committee report language as applying to changes to the wage index beginning in FY 1991. We are conducting a new wage survey and intend to implement a new wage index based on this survey in FY 1991 in

a budget neutral manner.

Comment: One commenter indicated that in duplicating HCFA's construction of the wage index, several methodological shortcomings were discovered. Although the changes recommended by the commenter would have little impact in terms of aggregate Medicare payments, they could have a significant impact on the affected wage areas. Specifically, the commenter indicated that the data base contains data from hospitals that reported wages and hours over a period of time of less than or greater than 12 months. It was suggested that the short and long reporting periods be eliminated from the data base. Alternatively, the wages and hours reported for these short periods should be weighted to reflect a full 12month period. The commenter also noted that HCFA has inflated the wages reported to a common date (August 31, 1985) using the year end data of the cost reporting period. The commenter suggested that if HCFA continues to use short and long reporting periods, the inflator used should be determined and calculated based on the midpoint of the reporting period. Finally, the commenter pointed out that the wages reported from hospitals with reporting years ending after August 31, 1985 were not deflated to the date, and some hospitals were identified as having a September 30, 1985 year end but were eliminated even though it represented a 13-month

cost reporting period. Response: We agree that it would be preferable for the wage index methodology to provide for special handling of hospitals with short or long cost reporting periods. However, because of the limited number of hospitals in certain MSAs upon which we can base the wage index values, we cannot, for purposes of determining the wage index values for these MSAs, eliminate these hospitals' data. Therefore, we have not accepted the commenter's recommendation to eliminate these short or long reporting

periods. Furthermore, we agree with the commenter that a short reporting period (that is, 1 to 6 months) may not be representative of hospital's average wage levels. Therefore, we do not believe it would be appropriate to weight the wages and hours in a short reporting period to reflect a full 12month period. We will, however, continue to analyze this issue in conjunction with the construction of the FY 1991 wage index from the new survey data.

We agree with the commenter's suggestion that the inflation factor should be applied to the hospital's data based on the reporting period's midpoint rather than its year end. This calculation will not affect most hospitals' data as a full year was reported and the inflation factor for these hospitals will be the same. In addition, because of this change, data from hospitals whose first year prospective payment system cost reporting period ended after August 31, 1985, will be deflated to the common point. We have also made corrections to the 1984 data for any reporting period data errors, including first year prospective payment system cost reporting periods ending September 30,

Comment: A few commenters suggested that a regional wage index be developed to replace the current wage index which is based on MSAs. The commenters believe that this type of wage index would be more accurate and fairer to rural hospitals that are near urban areas and must compete in the same labor markets.

Response: The MSA/NECMA definitions as established by the Office of Management and Budget are widely accepted and are used by many Federal programs to account for and recognize economic and population differences among urban areas. We do not believe that a regional wage index would account for wage differences experienced by areas that are geographically close to one another. We believe that a regional wage index would ignore the sometimes large variations that often exist within regions. We intend to examine the issue of labor market areas in conjunction with the development of the FY 1991 wage index.

C. Revisions to the Wage Index for Rural Counties Whose Hospitals Are Deemed Urban

Under section 1886(d)(8)(B) of the Act, for discharges occurring on or after October 1, 1988, hospitals in certain rural counties adjacent to one or more Metropolitan Statistical Areas (MSAs)

are considered to be located in one of the adjacent MSAs if certain standards are met. Because of this provision, as a part of the September 30, 1988 final rule, we reclassified the wage data for those rural areas as if the hospitals in those areas were located in the adjacent MSAs and recomputed the wage index values for the affected MSAs and rural areas.

Because inclusion of the wage data from rural hospitals that are considered to be located in an adjacent MSA under section 1886(d)(8)(B) of the Act resulted in the reduction of the wage index values of several MSAs and rural areas, Congress enacted section 8403(a) of Pub. L. 100-647. Under that provision, which added a new section 1886(d)(8)(C) to the Act, if the inclusion of wage data from rural hospitals now considered to be located in an urban area results in a reduction of the wage value for the affected MSA or rural area, then the wage index values for those affected areas must be recomputed as if section 1886(d)(8)(B) of the Act had not been enacted. The wage index value for those rural counties with hospitals that were deemed urban and that are affected by this recomputation must be calculated separately. This provision is effective for discharges occurring on or after October 1, 1989 and before October 1,

Therefore, we proposed to calculate the wage index for FY 1990 in the following manner with respect to the geographic classification of hospitals:

 MSAs whose wage index values are reduced because of the inclusion of wage data from hospitals in adjacent rural counties that have been deemed to be located in the MSAs would have their wage index values recalculated as if section 1886(d)(8)(B) of the Act had never been enacted; that is, data from the rural hospitals would be excluded in calculating these MSAs' wage index values.

 Each county whose hospitals have been deemed to be located in such an MSA would have its own unique wage index value, that is, a wage index value calculated on a county-specific basis.

• Rural areas whose wage index values are reduced by the exclusion of wage data from hospitals that have been deemed to be located in adjacent MSAs would have their wage index recalculated as if those hospitals were not deemed to be urban. In this case, the wage data for hospitals located in the rural counties that have been deemed urban would be included in two wage areas, that is, both the affected rural area and the county-specific wage area for the deemed hospitals. Those rural areas whose wage index values are

increased by the exclusion of the wage data for those hospitals that have been deemed urban would retain the increased wage index value.

Using 1984 data, the proposed wage index value for every MSA in which rural hospitals have been deemed to be located was lower than it would have been if those hospitals had not been included. Therefore, the proposed wage index value for the MSA was computed without including data from the deemed rural hospitals and the proposed wage index value was computed on a countyspecific basis for every rural county whose hospitals have been deemed to be urban. As proposed, there were seven rural areas that had their wage index value recalculated to include the hospitals that have been deemed urban. Since we have traditionally designated the urban and rural wage index as Tables 4a and 4b, as set forth in the addendum to this document, in the proposed rule, we designated this new county-specific set of wage index values as Table 4c.

Comment: We received a large number of comments suggesting that our proposal to implement section 1886(d)(8)(C) of the Act does not reflect the intent of Congress. Specifically, the commenters pointed out that in many counties whose hospitals were redesignated as urban under the provisions of section 1886(d)(8)(B) of the Act, our proposal to implement a county-specific wage index resulted in those hospitals receiving total prospective payments significantly lower than what they had received following implementation of section 1886(d)(8)(B) of the Act in FY 1989 because those hospitals would be subject to a lower wage index value. Many hospitals would have a wage index value lower than the Statewide rural wage index value. Commenters also noted that because of the low county-specific wage index value, in some cases, hospitals redesignated as urban would receive lower payments than when previously designated as rural. The commenters believe that Congress did not intend to reduce the wage index value applicable to these hospitals below what they had received when they were designated as rural hospitals.

The commenters offered several alternative approaches to rectify this situation. Some commenters suggested that the wage index value for hospitals in those counties redesignated as urban should not be allowed to fall below the Statewide rural wage index value. Alternatively, commenters suggested that the wage index value for these counties be calculated as the highest of

the wage index value for the MSA to which they are deemed to belong, the county-specific wage index value, or the Statewide rural wage index value. Finally, other commenters suggested that we calculate the wage index value of the counties whose hospitals were deemed urban according to the provisions of section 1886(d)(8)(B) of the Act as added by section 4005(a) of Pub. L. 100-203, but calculate, the wage index values for the MSA and rural areas affected according to the provisions of section 1886(d)(8) of the Act as amended by section 8403(a) of Pub. L. 100-647. In this way, the hospitals deemed to be urban retain the benefit of a higher wage index value without affecting the values of the affected MSAs and rural areas. One commenter believes that we could use our general "exceptions and adjustments" authority in section 1886(d)(5)(C)(iii) of the Act to make any adjustment for the affected counties.

Reponse: Section 1886(d)(8)(C) of the Act is very specific as to how wage areas must be treated and does not give us discretion with regard to redesignated counties whose hospital wage index values are lower than the Statewide rural wage index value that would have applied to them absent this new provision. Given the specificity of the law, we believe this provision should be implemented as legislated by Congress.

With respect to Congressional intent, we find no evidence that Congress specifically intended to exempt from a county-specific wage index those redesignated counties whose hospitals have wage index values that are lower than the Statewide rural wage index value. The conference report notes only that the Secretary is expected to develop alternatives to minimize the impact of section 1886(d)(8)(C) of the Act on those hospitals, to be included in a report to Congress required under section 8403(b) of Pub. L. 100-647. (H.R. Rep No. 1104, 100th Cong., 2d Sess. 276 (1989).) If Congress had intended to exclude those counties from a countyspecific wage index, we believe that the legislation would have been drafted accordingly.

With respect to the suggestion that the Secretary use the exceptions and adjustment authority as provided by section 1886(d)(5)(C)(iii) of the Act, we do not agree that it would be appropriate at this time to use this authority. Although we recognize that hospitals in certain counties will be disadvantaged by this provision during FY 1990 to the extent that they will receive a lower wage index value than if they had continued to be paid as rural

hospitals subject to the Statewide rural wage index value, these same hospitals received the greatest increases in payments during FY 1989 when they were paid on the basis of the wage index of the MSA to which they were deemed under the provisions of section 1886(d)(8)(B) of the Act. It is clear that Congress was aware of the impact this provision would have on redesignated hospitals. As noted above, if Congress had intended a different application of this provision, we believe that the law would have provided for it. Therefore, we do not believe it would be appropriate to use our exceptions authority and that section 1886(d)(8)(C) of the Act should be implemented as

Comment: Several hospitals that are located in rural counties and are now deemed urban and, therefore, have their own county-specific wage index values, suggested that the new county-specific wage index values are lower than the Statewide rural area values because the wage data for their hospitals are incorrect.

Response: Any hospital that believes that there is an error in its 1984 wage data may request that we make a correction. However, before a correction is made, the hospital must provide adequate documentation supporting a data correction to its fiscal intermediary. After verifying the documentation, the intermediary will submit the request along with a recommendation to HCFA's central office. If the correction is appropriate, HCFA will notify the regional office of the revised wage index value to be implemented effective for discharges occurring on or after the date the regional office is notified of the change. In accordance with our longstanding policy, changes to the wage index are implemented on a prospective basis only. (See our discussion on this issue in the September 30, 1988 final rule (53 FR 38496).)

D. Future Updates to the Hospital Wage Index

Section 1886(d)(3)(E) of the Act (as amended by section 4004(a) of Pub. L. 100-203) requires that wage indexes that are applied to the labor-related portion of the national average standardized amounts of the prospective payment system be updated not later than October 1, 1990 and at least every 36 months thereafter. This section further provides that the Secretary base the update on a survey of the wages and wage-related costs of hospitals in the United States that participate in the prospective payment system. The survey must measure, to the extent feasible, the

earnings and paid hours of employment by occupational category and must exclude data with respect to the wages and wage-related costs incurred in furnishing skilled nursing facility services.

To accomplish this task, we developed two wage index survey forms. The first form (Form A) requested data similar to past surveys, with a few noted exceptions. In addition to the total wages and hours collected in past surveys, Form A also asked for data relative to the salary and hours associated with direct patient-care contracted labor, home office, and fringe benefits. Form A excluded salary and hours associated with the skilled nursing facilities and other related cost centers. The second form (Form B), in addition to the data requested on Form A, requested data relative to several occupational categories.

Before initiating the new hospital wage survey, the proposed forms (A & B) were submitted for prior consultation to various hospital industry representatives, including the major hospital associations, as well as to the fiscal intermediaries. We solicited comments on both forms, including the feasibility of obtaining accurate data. The comments we received suggested that most hospitals would be unable to accurately provide data by occupational categories at this time. As a result of the comments on these two forms, we have modified Form A, now referred to as HCFA-2561.

The HCFA-2561 is currently being used to collect data for the FY 1991 update to the wage index as required by section 1886(d)(3)(E) of the Act, However, before implementing this updated wage index or reaching decisions in the future on the collection of data by occupational categories and incorporating future wage survey forms into the hospital cost report, we are interested in receiving input from the public. Therefore, in the proposed rule, we solicited comments on the following issues:

- Should the wage index include data on contracted labor? For purposes of the wage index survey, contracted labor has been defined as direct patient-care contract labor such as registry nurses.
 Should the definition be expanded to include contracted services indirectly related to patient-care, such as billing or housekeeping services?
- What portion, if any, of home-office salaries and hours should be added to the wages and hours incurred solely by the hospital?

 Which fringe benefits, if any, should be included in computing the wage index? How should they be valued?

 Would hospitals be capable of providing and identifying verifiable salaries and hours by occupational categories? What occupational groupings would be appropriate?

• If occupational data were collected, what formula or methodology should be used in calculating an occupational-mix index? How would the methodology reflect the varying personnel and hiring decisions made by hospitals, that is, one hospital may hire registered nurses for patient-care whereas another hospital in the same geographic area may employ licensed practical nurses instead?

• Should the HCFA-2561 be incorporated into the hospital report in order to obtain wage data on a regular basis? What level of hospital-specific wage data should be available to the public, including other hospitals? Can the occupational category data be retrieved by adding new schedules to the hospital cost report?

In order to give the public ample time to thoroughly evaluate the six issues listed above, we stated in the proposed rule that we will accept comments on these issues up to September 30, 1989. Comments on these six issues should be submitted to the following address:

Health Care Financing Administration, Office of Reimbursement Policy, Division of Hospital Payment Policy, Attn: Wage Index Issues, 1–H–1 East Low Rise, 6325 Security Boulevard, Baltimore, Maryland 21207.

Because of the extended time for public comment, we have not responded in this final rule to any comments received in response to the proposed rule concerning future updates to the wage index. We plan to respond to these comments in the proposed rule concerning the FY 1991 changes to the prospective payment system.

IV. Other Decisions and Changes to the Regulations

A. Annual Publication of Prospective Payment Rates (Section 412.8)

The September 1, 1983 final rule (47 FR 39819) added a provision to the regulations stating that when prospective payment rates are not published by September 1 before the beginning of the Federal fiscal year in which the rates would apply, the rates in effect on September 1 of the year in question will apply unchanged for the following Federal fiscal year. This provision in § 412.8(b)(4) has been superseded by changes to the statute.

Specifically, section 1886(b)(3)(B) of the Act, as amended by section 9109(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99–272) and section 4002 of Pub. L. 100–203, specifies the update factors for prospective payment hospitals beginning in FY 1986 and each year thereafter. Because the law sets the rates for each Federal fiscal year, which are effective October 1 of each year, the provisions of § 412.8(b)(4) no longer conform to the law. Therefore, we proposed to delete this section.

Comment: We received a few comments regarding our proposal to delete the provision of § 412.8(b)(4) from the regulations. It was suggested that these regulations not be deleted but rather revised to state that in the event that revised prospective payment rates are not published by September 1, then the rates in the succeeding fiscal year will be the rates as of September 1, increased by the most recent hospital

market basket forecast.

Response: We believe that it is unnecessary to include such a provision in the regulation. Section 1886(b)(3)(B) of the Act, as amended by section 9109(b) of Pub. L. 99-272 and section 4002 of Pub. L. 100-203, specifies the update factors for prospective payment hospitals, which for FY 1990 and each subsequent year is equal to the market basket percentage increase. Section 1886(b)(3)(B)(iii) of the Act defines the market basket percentage increase as the percentage, as estimated by the Secretary before the beginning of the applicable fiscal year, by which the cost of the mix of goods and services comprising routine, ancillary, and special care unit inpatient hospital services will exceed the cost of these goods and services for the preceding fiscal year.

We believe that we are required by the law to use the most recent hospital market basket forecast in making this estimate. In the absence of a published rate, the prospective payment rates will increase as of the succeeding fiscal year by an amount equal to the most recent forecasted increase in the hospital market basket, as prescribed by law.

In addition, since the update factors for prospective payment hospitals are set by law, the legislatively mandated factors would automatically be applied to the rates regardless of whether a notice was published timely. Given the fact that the update factors are subject to change annually based on recommendations submitted to Congress by the Department and ProPAC (sections 1886(e)(4) and 1886(e)(3)(A) of the Act, respectively), the market basket increase may not be the update factor

prescribed by Congress for any given fiscal year. Therefore, since the law would take precedence over any regulations we may publish, we do not believe it is necessary to stipulate the update factor that would be applied to the rates if a notice of new rates is not published timely.

B. Burn Outliers (Section 412.84)

Section 4008(d)(1)(A) of Pub. L. 100-203 changed the marginal cost factor to 90 percent for day and cost outliers in DRGs related to burn cases. This provision was effective for discharges occurring on or after April 1, 1988 and expires as of October 1, 1989. We proposed to retain the marginal cost factor for cost outliers at 90 percent; however, we proposed to reduce the marginal cost factor for day outlier cases to 60 percent effective for discharges occurring on or after October 1, 1989 (that is, the same marginal cost factor as other DRGs). Therefore, we proposed to amend § 412.84 accordingly.

In the September 30, 1988 final rule (53 FR 38505), we indicated that ProPAC had issued a report that addressed outlier payments for burn cases and that we would review ProPAC's findings and recommendations to determine if changes in the burn outlier policy may

be appropriate for FY 1990.

ProPAC's report indicated that increased outlier payments may only be appropriate for those cases treated in specialized burn centers and units. However, recognizing that no clear criteria currently exist to classify such centers, ProPAC postponed making specific recommendations pending further evaluation. While we recognize ProPAC's concern that outlier cases result in a more serious impact on specialized burn centers and units than to general hospitals treating burn cases, we generally do not believe it appropriate to create a new class of hospital (that is, burn hospitals and burn units) simply for purposes of targeting outlier payments.

As an interim measure, ProPAC recommended that burn cases be paid cost outliers only, based on a 90 percent marginal cost factor. In addition, ProPAC believes that the outlier payment pool for burn cases should be maintained at 19 percent of total payment for burn cases. This 19 percent figure represents the impact on burn outlier payments of increasing the marginal cost factor from 60 percent to 90 percent. ProPAC also recommended separate outlier thresholds for burn cases be established in order to maintain the 19 percent outlier payment pool.

While ProPAC's recommendation may target more burn outlier payments to specialized burn treatment centers, there is currently no statutory authority to eliminate day outlier payments. However, we agree that the 90 percent marginal cost factor may not be appropriate for less severe burn cases. Therefore, we believe it would be appropriate to reduce the marginal cost factor from 90 percent to 60 percent for day only outliers associated with burn cases since these generally represent less resource-intensive cases. Thus, as proposed, exceptionally costly day outliers, that is, those that meet both the day and cost outlier thresholds, would be paid the greater of 60 percent of the per diem Federal rate for each day beyond the length of stay threshold or 90 percent of the difference between adjusted charges and the cost thresholds.

Comment: Several commenters were concerned about our proposal to reduce the marginal cost factor for burn day outlier cases from 90 to 60 percent. One commenter stated that the reduction should be accomplished gradually over several years to give the affected hospitals time to adjust to the payment changes. Another commenter believes that lowering the marginal cost factor for day outliers to the same factor as all other day outliers reintroduces financial risk for hospitals that treat these cases and promotes the delivery of services in more costly settings. Also, this commenter states that the fact that HCFA is changing the policy so soon after its implementation (that is, April 1, 1988) violates the fundamental principle of the prospective payment system that the system is designed to assure hospital managers of predictability of rates and regulations.

Response: Our data show that specialized burn units generally receive more costly burn outliers cases that tend to be more resource intensive. General hospitals, on the other hand, mainly treat the less severe burn cases that may qualify as day outliers. We believe our proposed policy most closely achieves the policy goals of targeting outlier payments for the most costly burn cases, while at the same time maintaining outlier payments at approximately the same percentage of total payments for burn cases. We note that ProPAC supports this policy as an improvement over current law since it reduces the financial risk associated with treating burn cases at specialized centers.

With regard to the comment on violation of the principles of the prospective payment system, we note that the marginal cost factor for burn outliers was revised to 90 percent as of April 1, 1988 because we were required to do so by the provisions of section 4008(d)[1](A) of Pub. L. 100–203. This provision expires as of October 1, 1989. Thus, we believe that a change in outlier policy for burn cases should have been anticipated by hospitals treating these cases. We are retaining the 90 percent factor for cost outliers. However, absent this policy, the marginal cost factor for both day and cost burn outliers would have reverted to the factor used for all other outliers, that is, 60 and 75 percent, respectively.

C. Payments to Sole Community Hospitals (Section 412-92)

Section 1886(d)(5)(C)(ii) of the Act provides special payment protections under the prospective payment system to sole community hospitals (SCHs). The statute defines an SCH as a hospital that, by reason of factors such as isolated location, weather conditions, travel conditions, or absence of other hospitals (as determined by the Secretary), is the sole source of inpatient hospital services reasonably available to Medicare beneficiaries. The regulations that set forth the criteria that a hospital must meet to be classified as an SCH are at § 412.92(a). To be classified as an SCH, a hospital must either have been designated as an SCH prior to the beginning of the prospective payment system or meet one of the following requirements:

It must be located more than 50 miles from other like hospitals.

 It must be located between 25 and 50 miles from other hospitals, and it must—

—Serve at least 75 percent of inpatients in its service area;

—Be isolated by local topography or extreme weather conditions for one month of each year; or

—Have fewer than 50 beds and would qualify on the basis of market share except that some patients seek specialized care unavailable at the hospital.

 It must be located between 15 and 25 miles from other hospitals and isolated by local topography or extreme weather for one month of each year,

SCHs are paid a blended rate based on 75 percent of the hospital-specific rate and 25 percent of the Federal regional rate. An SCH is eligible for a payment adjustment if, for reasons beyond its control, it experiences a decline in volume of greater than five percent compared to its preceding cost reporting period. (This adjustment is also available to a hospital that could qualify as an SCH but chooses not to be paid as an SCH.) In addition, an SCH is

eligible for an adjustment to its hospitalspecific rate if it adds new services or facilities. SCHs are also exempt from the percentage reductions in reasonable cost payments for capital-related costs, as provided in section 1886(g)(3) of the Act.

In the September 30, 1988 final rule (53 FR 38513), we noted, in response to several ProPAC recommendations concerning SCHs, that our analysis of the SCH provisions is an on-going process. We also noted that we would continue to study whether our criteria are appropriate for determining which hospitals are the sole source of care for Medicare beneficiaries and whether sufficient protections are in place to assure beneficiary access to inpatient hospital services in rural areas.

Our analysis indicates that some SCHs would receive higher Medicare payments if they were to forego SCH status and be paid at the national rate. We believe these SCHs may be reluctant to give up their status because they may have difficulty requalifying if circumstances change to make SCH status more favorable in the future.

With this concern in mind, we proposed a revision to § 412.92(b)(4)(iii). That section currently states that if a hospital cancels its classification as an SCH, it may not apply for reclassification as an SCH unless all hospitals within 50 miles of it have closed. Because we believe this provision is restrictive and may prevent some existing SCHs from relinquishing their status even though it might be financially advantageous for them to do so, we proposed elimination of the hospital-closure-within-50-miles provision in § 412.92(b)(4)(iii). Instead, we proposed that, if a hospital cancels its status as an SCH, it may requalify for classification as an SCH only after 1 full year has passed since the cancellation was effective and only if the hospital meets the criteria for qualification that are in effect at the time it reapplies.

Section 1886(d)(5)(C)(ii) of the Act provides for reasonable compensation for significant increases in operating costs resulting from the addition of new services or facilities. Although a similar provision was originally proposed by regulation, Congress explicitly provided for the payment adjustment for new inpatient facilities or services in section 9111(a) of Pub. L. 99–272, which amended section 1886(d)(5)(C)(ii) of the Act. The payment adjustment was established effective with cost reporting periods beginning on or after October 1, 1983 and before October 1, 1989 as a temporary measure until a permanent payment methodology could be developed to recognize significant

distortions in operating costs resulting from the addition of new services or facilities. The regulations implementing the payment adjustment are at § 412.92[g].

To date, there has been no legislative change to establish a different payment methodology to provide reasonable compensation for significant cost increases resulting from the addition of new services or facilities. In view of the expiration of the statutory provision explicitly providing for this payment adjustment, we proposed to extend indefinitely by regulation the provisions at § 412.92(g) in order not to disadvantage any SCH that experiences a significant increase in operating costs resulting from new inpatient services or facilities.

Currently, if a hospital wishes to receive a payment adjustment because it experienced a significant volume decrease, it must submit a request for the adjustment to its intermediary along with documentation demonstrating the size of the decrease in discharges and explaining the circumstances giving rise to the decline in discharges and how they were beyond the hospital's control. The hospital must also furnish evidence of the actions it took to control costs in the face of the circumstances cited and the resulting decline in discharges. The intermediary reviews and analyzes the documentation and then forwards the documentation along with its analysis and recommendation on approval to HCFA. HCFA determines the volume adjustment within 180 days from the date it receives the hospital's request and all other necessary information from the intermediary.

In an effort to streamline and expedite this process, we proposed that this determination process be decentralized and handled entirely by the intermediaries. We believe that there is now sufficient experience reviewing hospitals' applications for volume adjustments for intermediaries to make these determinations. We also proposed to revise § 412.92(e)(3) to make this change. We proposed that the intermediaries use the same criteria for review that are currently in place in § 412.92(e). For further discussion of this process, see the September 1, 1983 final rule (48 FR 39786), the June 10, 1987 proposed rule (52 FR 22090), and the September 30, 1987 final rule (53 FR 38510).

We are preparing manual instructions for the intermediaries concerning the determinations of volume adjustments. We proposed that any requests for a volume adjustment that intermediaries have not submitted to HCFA by

September 30, 1989 be processed for a final determination by the intermediaries.

With the deterioration in the financial condition of many rural hospitals, our ability to define appropriately those hospitals that represent the sole source of care reasonably available to Medicare beneficiaries has become increasingly important. In this regard, our criteria for SCH designation have remained largely unchanged since the beginning of the prospective payment system. The regulations reflect an assumption that any hospital located more than 50 miles from the nearest like hospital is the sole source of care reasonably available; conversely, it is assumed that a hospital located within 25 miles of a like hospital would not be the sole source of care reasonably available unless weather conditions make other hospitals inaccessible at least one month per year.

For hospitals located between 25 and 50 miles of another hospital, a market test or a measure of extremes in topography or weather conditions is used to determine whether the hospital qualifies for SCH designation. As clarified in the September 30, 1988 final rule (53 FR 38510), a hospital located between 25 and 50 miles of a like hospital may qualify as an SCH if, during the cost reporting period ending before it applies for SCH status, it admitted at least 75 percent of all the hospitalized residents or 75 percent of all the Medicare beneficiaries who were admitted to any like hospital located within the larger of the requesting hospital's service area or a 50 mile radius. A hospital's service area is the area from which a hospital draws at least 75 percent of its inpatients or a service area defined by a health systems agency. Thus, while a hospital located between 25 and 50 miles of the nearest like hospital cannot be presumed to be or not to be an SCH, it can demonstrate by the size of its market share that it serves as the sole source of inpatient services reasonably available. Also, if a hospital located between 25 and 50 miles of the nearest like hospital has fewer than 50 beds, it can be deemed to meet the market share criterion if its intermediary certifies that the hospital would have met this criterion were it not for the fact that some Medicare beneficiaries or residents of the hospital's service area were forced to seek care outside the service area due to the unavailability of certain specialty services at the hospital with fewer than

An analysis performed by Systemetrics under contract to ProPAC

50 beds.

found that there is an interrelationship between the definition of market area and market share. Generally speaking, the more broadly a hospital's market area is defined, the lower the hospital's market share percentage will be. Further, the greater the distance to the nearest neighbor hospital, the more broadly the market area is defined. One result of the relationship between market share and distance to the nearest hospital is that only a small percentage of the hospitals located more than 50 miles from another hospital would meet the market test. Moreover, the proportion of facilities meeting the 75 percent market test is smaller for those 35 to 39 miles from their nearest neighbor than for those isolated by 25 to 34 miles.

We have concluded from our analysis of the Systemetrics data that the current market share test is inappropriate for hospitals that are located more than 35 miles from a like hospital. The market area for these hospitals, as currently defined, is sufficiently broad to make the 75 percent market share standard unreasonable. The Systemetrics data show only nine percent of hospitals between 35 and 49 miles from another hospital had a market share greater than 75 percent even though the estimated travel time between two hospitals located 35 miles apart would be 45

minutes on the average.

We considered modifying the SCH criteria for hospitals located 35 to 50 miles from a like hospital by narrowing the definition of market area or relaxing the 75 percent market share standard for these hospitals, or implementing both of these changes. We rejected this approach for several reasons. First, we believe that the SCH criteria are already too complicated and that increasing the complexity by adding unique criteria for hospitals located between 35 to 50 miles would be undesirable. Second, given the worsening financial condition of many rural hospitals, we do not believe it would be appropriate to delay changing the criteria until the analyses that would be needed to develop appropriate modifications in the market share test are completed. Finally, considering that the average travel time between two hospitals 35 miles apart is 45 minutes. we believe it is reasonable to assume that a hospital more than 35 miles from a like hospital is the sole source of care reasonably available to Medicare beneficiaries. Therefore, effective October 1, 1989, we proposed to modify our SCH criteria as set forth at § 412.92(a)(1) and (2) to eliminate the market share test for hospitals located more than 35 miles from a like hospital.

We also invited comment on how the SCH criteria might be improved or simplified. In this regard, we stated that we are continuing to analyze whether modifications should be made in the market share test for hospitals located between 25 to 35 miles from a like

We believe the Systemetrics data confirm the appropriateness of our standard that a hospital located within 25 miles of a like hospital would not be the sole source of care reasonably available unless topography or weather conditions make other hospitals inaccessible at least 1 month per year. The data show that only one percent of hospitals within 25 miles of another hospital provide at least 75 percent of the inpatient services received by Medicare beneficiaries residing within their service area. However, concern has been expressed regarding our criteria in § 412.92(a)(2) and (3), which define isolation of hospitals due to local topography or periods of prolonged severe weather. Under current policy, we require that a hospital must document its inaccessibility for 30 consecutive days in each of the past 3 years in order to qualify as an SCH on this basis (see 48 FR 39781, September 1, 1983). The documentation must be substantiated by an outside source, for example, the State Highway Department or a local public safety official.

In the proposed rule, we stated that we are also considering modifying this policy to require the hospital to document its inaccessibility for 30 nonconsecutive days in 2 out of the last 3 years. We also solicited comments regarding whether this standard would

be appropriate.

Comment: Many commenters wrote concerning our suggested changes in the SCH qualifying criteria. All approved of our proposal to eliminate the market share test for hospitals more than 35 miles from the nearest hospital. However, many commenters offered various alternatives to our criteria as follows: One commenter suggested that we abolish the current criteria and reinstate the guidelines that were in effect prior to the implementation of the prospective payment system. Another commenter suggested that we abolish distance as a measure and rely solely on whether a hospital meets the 75 percent market share standard. One commenter believes that SCH status should be granted to a hospital if it provides services that are not available from any other hospital within a 35-mile radius while another believes that we should consider travel time instead of mileage in determining SCH status.

Response: While we appreciate all of the commenters suggestions, we do not believe we can implement any of them at this time. For reasons discussed in detail in the January 3, 1984, final rule (48 FR 271), we replaced the discretionary SCH criteria we used prior to the implementation of the prospective payment system with more objective numerical standards. The current standards incorporate the principles of the criteria that were in effect prior to the implementation of the prospective payment system while at the same time ensuring consistency in classifying hospitals as SCHs. Moreover, the market share test is an operational measure of the variables that influence patients in their decision to seek care at a particular hospital. That is, a hospital's market share will increase if travel or weather conditions curtail access to another hospital, or if physicians admit patients primarily to that particular hospital. If patients commonly use other hospitals for services, we conclude that those alternative hospitals are accessible to them, and that they are not limited to obtaining care at only one hospital.

We chose not to use physician admitting practices as a separate variable because they are included within market share. Physician admitting practices are a major determinant of market share, so using market share as a criteria does include consideration of physician admitting practices. Also, we chose not to use availability of public transportation as a separate criteria because it is included within the market share criteria, and because public mass transit systems are not a common method of transportation for patients receiving inpatient services.

In response to other commenters, we do not believe we should limit our review of SCH qualifications solely to travel time or to the provision of specialty services not available from any other hospital within a 35-mile radius. As we have noted previously, travel time as a measure is subject to many variables such as traffic congestion, road conditions, and time of day. For instance, what might be a 15minute trip under ideal conditions could be a substantially longer trip on wet or snowy roads or in heavy traffic. Specific travel conditions would have to be defined and each hospital's application reviewed against these specific conditions in order to achieve consistency and equity in the decision process. Since such specific conditions would be extremely difficult to define and more difficult to measure

objectively, we do not believe travel time is as valid a measure as road miles.

Neither do we believe that provision of specialty services not offered by any other hospital within 35 miles should be the sole measure of an SCH. Not only would "specialty" services have to be specifically defined, but measures of the need for and use of such services would have to be established. Furthermore, we do not believe the SCH provision was enacted to protect hospitals providing unique specialty services. Rather, we believe its intent was to ensure Medicare beneficiary access to care ordinarily found in general community hospitals.

With regard to the commenter who suggested that we drop mileage as a criterion and consider only whether the hospital treats at least 75 percent of the patients admitted to a hospital within its service area, we do not believe this suggestion is equitable. As we noted in the proposed rule (54 FR 19650), the data gathered by Systemetrics in its study of rural hospitals and SCH criteria show that the more isolated a hospital is, the greater the chance that it does not meet the 75 percent market share test. Thus, a large number of truly isolated hospitals could not qualify for SCH status. In addition, only 3.3 percent of all rural hospitals meet the 75 percent market share test (before adjustment for specialized care obtained outside the service area of rural hospitals with fewer than 50 beds). Thus, this commenter's suggestion could result in only 89 hospitals nationwide meeting the proposed standard. We do not believe that such a restrictive standard would protect Medicare beneficiaries' access to care or would be in the best interest of the rural hospitals.

Finally, although we are not implementing any of the commenters' suggestions at this time, we will keep them all in mind as we continue to review the SCH qualifying criteria in conjunction with the comments we received on beneficiary access to care in rural areas.

Comment: One commenter suggested numerous revisions to our qualifying criteria ranging from redefining the service area as the smaller of a 35-mile radius from the hospital or the area from which a hospital draws at least 50 percent of its patients. The commenter proposed that we lower the market share test from 75 percent to 60 percent and that we lower from 35 miles to 25 miles the distance from another hospital as the presumptive proof of SCH status. The stated goal of all of these revisions was not only to assure reasonable access for Medicare beneficiaries, but

also to improve financial benefits to rural hospitals.

Response: We do not agree with the premise for the commenter's suggestions. All of them would liberalize the SCH provisions beyond what we believe was Congressional intent in establishing this provision. For instance, granting SCH status to any hospital more than 25 miles from any other hospital would mean that a beneficiary located between the two hospitals would be no more than 12.5 miles from a hospital; we do not believe such a short distance reflects an accessibility problem.

Redefining the service area as the commenter suggested would result in a significant increase in the number of rural hospitals qualifying as SCHs and would include some hospitals that we believe do not represent the sole source of care reasonably available to Medicare beneficiaries. If a significant portion of the residents in a hospital's service area seek care from other hospitals, this indicates that alternative sources of inpatient care are reasonably available.

Although we are not accepting any of the commenter's specific suggestions at this time, we have concluded that the geographic area considered in the market share test is too broad. Under current policy, a hospital may qualify as an SCH if it admitted at least 75 percent of all the hospitalized residents or 75 percent of all the Medicare beneficiaries who were admitted to any like hospitals located within the larger of the requesting hospital's service area or a 50-mile radius. Consistent with our decision to eliminate the market share test for hospitals located more than 35 miles from a like hospital, we are narrowing the geographic area to take into account admissions to like hospitals located within the larger of the requesting hospital's service area or a 35-mile radius. To implement this policy, we are revising § 412.92(a)(2)(i) and (b)(1)(ii)(B). Moreover, we will continue to analyze whether modification in the SCH definitions are needed to ensure reasonable access to care. However, to the extent that rural hospitals require financial assistance and protection from closure, we believe these objectives should be accomplished in alternative ways-not by so liberalizing the SCH criteria that a large percentage of the rural hospitals would qualify as SCHs. We acknowledged that we stated in the proposed rule (54 FR 19651) that the improvements we proposed in the SCH qualifying criteria were made in recognition of the difficulties facing rural hospitals; however, we believe there is a

limit to the extent to which these difficulties should be resolved through the SCH provisions and even through

the Medicare program.

We again acknowledge that we are keenly aware of the problems facing isolated rural hospitals and the potential consequences for Medicare beneficiaries should large numbers of these hospitals close. However, as we noted in the proposed rule as a part of our discussion on beneficiary access to care in rural areas (54 FR 19651), "A policy involving changes to the Medicare program alone would not be sufficient to assure essential access to rural health care. A viable and effective rural health care policy must involve Federal, State and local governments, and private insurers." As discussed below in section IV. D. of this preamble, we are continuing to receive comments solicited on this subject and will give all reasonable suggestions serious consideration.

Comment: Only two commenters responded to our proposal to liberalize the provision regarding road closing due to inaccessibility. Both favored our proposal, but believe it did not go far enough. That is, one commenter believes that the determination of accessibility should be arrived at by agreement between the State Highway Department and the hospital. The other commenter believes that while a highway department may consider a road passable, it might be highly inadvisable for a Medicare beneficiary to be driving on such roads.

Response: We are disappointed that our request for comment from interested parties did not generate greater response, and we appreciate the commenters who did address this issue. Neither, however, offered specific suggestions that can be implemented on a nationwide basis. We believe a determination of inaccessibility must be made by a disinterested party such as a State Highway Department and not by the affected hospital. This would be the only way to ensure consistency and

impartiality.

Similarly, we agree that while it may be more difficult for aged Medicare beneficiaries to negotiate slippery roads, we do not know how this distinction can be made objectively. Differences in age and driving experience and skill are determining factors usually employed in deciding whether to attempt travel under difficult conditions. We know of no objective standards that can be implemented to measure such factors on an equitable basis. Therefore, we are not adopting the commenters' suggestions. However, we are modifying our policy to permit a hospital to qualify

if it can demonstrate its inaccessibility for 30 nonconsecutive days in 2 out of the last 3 years before it applies. To clarify this point, we are revising

§ 412.92(a)(3).

Comment: All the comments we received on our proposal to transfer final processing of the SCH volume adjustment requests to the fiscal intermediaries were favorable. However, several commenters pointed out that we had not discussed hospital appeal rights following this transfer. They also urged HCFA review of the intermediary determinations to ensure timeliness, accuracy, and consistency. One commenter suggested that the current 180-day processing time be reduced to 90 days.

Response: We agree with the commenters' suggestions regarding appeal rights and HCFA oversight of intermediary determinations and we inadvertently neglected to mention these

issues in our proposed rule.

Hospitals will retain the same appeal rights of intermediary determinations as they had of HCFA determinations. That is, if a hospital is dissatisfied with the intermediary's final determination, it may request a hearing before the provider Reimbursement Review Board as outlined at § 405.1836. Similarly, although we did not discuss in the proposed rule that we would maintain ongoing review of the intermediaries processing of hospitals' requests, these reviews will be conducted to ensure timeliness, accuracy, and consistency.

With regard to the commenter's suggestions that the alloted 180-day processing time for SCH applications be reduced from 180 to 90 days, we do not believe it is appropriate to impose such a short time frame on the intermediaries at this time. Certainly, we expect the intermediaries to process a hospital's request as rapidly as possible. However, we also recognize that because of other priorities and ongoing workloads, it may not always be possible for the intermediary to complete processing within a 90-day time frame. Therefore, while we are not adopting the commenter's suggestions, we are urging intermediaries to give these requests for volume adjustments a high priority and to process them as rapidly as possible.

Comment: Although we did not propose any changes in the payment methodology used to pay SCHs, we received three comments on this issue. One commenter pointed out that the current payment adjustment provides no incentive for a hospital to become an SCH. Two commenters stated that continuing to base SCH payments on the original base year costs does not adequately reflect current costs.

Response: We are aware that there are many hospitals that are entitled to the SCH adjustment but that have chosen not to apply for it because they receive greater payment under the prospective payment system using the fully national payment rates than they would as an SCH. However, as we have noted in the past, the current methodology is established by law. Therefore, we do not have the authority to alter this method.

We also recognize that, in some instances, it might be advantageous for a hospital to change its SCH status from time to time; that is, in some years, the national payment rates might be greater than the amount a hospital would receive as an SCH and, in other years, the opposite might be true. For this reason, we are relaxing the previous restriction on permitting a hospital to requalify for SCH status once it has relinquished its SCH designation.

Comment: One commenter requested that we clarify which qualifying criteria would be in effect if the criteria change between the time a hospital files for SCH status and the time a final determination is made on its application. The commenter also stated that if the later criteria are more favorable to the hospital, HCFA should permit the hospital to withdraw its application and refile it for consideration under the later criteria.

Response: Generally, a hospital's application will be considered using the criteria in effect at the time it submits its application to its intermediary. However, we agree with the commenter that if revisions to the regulations become effective prior to the HCFA regional office's issuing a final decision on the application, and if the hospital believes the revised criteria are more favorable to it or simplify its documentation requirements, the hospital may request that a determination be based on the later and more favorable criteria.

D. Beneficiary Access to Care in Rural Areas

The nation's rural health care system is undergoing a difficult period of transition in response to several complex factors including changing practice patterns, evolving delivery systems, regional economic change, facility conversion, declining admissions, patient mobility, and demographic change. These factors, coupled with the incentives for efficiency offered by Medicare's prospective payment system, present increasing pressures on the rural health care delivery system.

The challenge facing rural providers, State and local governments, Medicare, and other third-party insurers is to adopt policies that acknowledge the variety of factors affecting the long-term financial viability of rural providers and assure essential access to health care for rural residents.

As a long term initiative, we are evaluating whether refinements to the prospective payment system would be appropriate to improve our payment policy for rural hospitals. This evaluation includes—

 An assessment of whether the special payment protections for SCHs are adequate to provide beneficiaries with continued access to quality care;

 Examination of whether it would be appropriate to establish separate outlier thresholds for cases in urban and rural hospitals; and

 Research to replace the separate urban and rural rates with a single rate adjusted for severity and other factors that explain differential hospital cost

experience.

Although we believe that it is important to implement appropriate Medicare payment policies for rural hospitals, we note that the critical issue facing the nation is assuring continued access to health care for all rural residents. Medicare payments account for 34 percent of rural hospitals' total revenues. Other revenue sources, such as Medicaid, private insurance, and selfpay, make up the remaining 66 percent of revenues. A policy involving changes to the Medicare program alone would not be sufficient to assure essential access to rural health care. A viable and effective rural health care policy must involve Federal, State and local governments, and private insurers.

To assist the Department in examining the many important issues affecting this principle of assuring "essential access", in the proposed rule, we requested

comments on the following:

 How should the existing SCH policy be reformed and targeted to protect beneficiaries in rural areas with "essential access" problems?

 What are an appropriate operational definitions of "essential access" (for example, distance, market share, patient mobility, transportation, weather, or types of essential services provided)?

 What roles should Federal and State government play in identifying "essential access" facilities?

 Should the Federal government and States ensure that Medicaid payment policies acknowledge the need to assure "essential access" to care for beneficiaries in rural areas and, if so, how? Should States take actions to encourage third-party payors to acknowledge the need to assure "essential access" to care for rural residents?

 How can the rural transition grant program (authorized by section 4005(e) of Pub. L. 100–203) be targeted to specifically assist "essential access" facilities in planning, coordination, service delivery modification, and conversion efforts?

 How can the Fedral government best coordinate rural health policy with those of the State governments?

In order to give the public ample time to respond to the issues raised regarding "essential access" to health care by rural residents, the proposed rule stated that we would accept comments on these issues up to September 30, 1989. Comments on these issues should be submitted to the following address: Health Care Financing Administration, Office of Reimbursement Policy, Division of Hospital Payment Policy, Attn: Rural Access Issues, 1–H–1 East Low Rise, 6325 Security Boulevard, Baltimore, Maryland 21207.

As stated in the proposed rule, because these issues are not directly related to the Medicare prospective payment system, we are not responding to these comments in this final rule. However, we will take them into consideration as we develop a Departmental rural health policy designed to assure essential access to

health care in rural areas.

E. Cancer Hospitals (Section 412.94)

Section 1886(d)(5)(C)(iii) of the Act authorizes special treatment for hospitals involved extensively in treatment for and research on cancer. In our regulations at § 412.94(a), we set forth the criteria a hospital must meet to be considered a cancer hospital. In § 412.94(b), we provide that, during its first cost reporting period subject to the prospective payment system, a qualifying cancer hospital may elect to be reimbursed on a reasonable cost basis, subject to the rate of increase limit. We have received inquiries concerning whether the provisions of sections 1815(e)(1) and 1886(g)(3) of the Act, which apply generally to prospective payment hospitals and not to hospitals excluded from the prospective payment system that receive payment on a reasonable cost basis, apply to these cancer hospitals since they are paid on a reasonable cost basis rather than on the basis of a prospective payment rate.

Section 1815(e)(1) of the Act provides that, effective with claims received on or after July 1, 1987, certain requesting prospective payment hospitals will receive payment for Medicare services on a periodic interim payment (PIP) basis. Under PIP, payment is based on the estimated annual payments for care provided to Medicare patients, and equal biweekly payments are made to hospitals without regard to the submission of individual bills. However, an end-of-year settlement in made once all bills for the year have been submitted and processed. Generally, under the provisions of section 1815(e)(1) of the Act and the regulations that implement it, § 412.116, an otherwise qualifying prospective payment hospital receives PIP only if its intermediary fails to make prompt payment of the hospital's bills, or if the hospital previously qualified as a hospital serving a disproportionate share of low-income patients or as a small rural hospital. Hospitals that are not "subsection (d) hospitals," as well as other providers such as skilled nursing facilities and home health agencies, continue to be eligible for PIP if they meet the other qualifying conditions.

Section 1886(g)(3) of the Act requires, effective October 1, 1986, specified reductions in the amount of payment for capital-related costs of inpatient hospital services of all prospective payment hospitals except sole community hospitals. This provision is set forth in regulation at § 412.113.

Except for sole community hospitals as provided in section 1886(g)(3)(B) of the Act, sections 1815(e)(1) and 1886(g)(3) of the Act apply to all subsection (d) hospitals and subsection (d) Puerto Rico hospitals (as defined in sections 1886(d) (1)(B) and (9)(A) of the Act, respectively). The authority in section 1886(d)(5)(C)(iii) of the Act that permits special treatment under the prospective payment system for a cancer hospital does not alter that hospital's status as a subsection (d) hospital (that is, a prospective payment hospital). Therefore, there is no legislative authority for exempting cancer hospitals from the provisions of sections 1815(e)(1) and 1886(g)(3) of the Act merely because they are paid on the same basis as hospitals excluded from the prospective payment system (that is, on a reasonable cost basis).

We have recently advised the HCFA regional offices to direct fiscal intermediaries that have not already done so to begin applying the provisions of §§ 412.113 and 412.116 to cancer hospitals receiving payments under § 412.94. The intermediaries were directed to apply the provisions of §412.113 retroactively, beginning with

portions of cost reporting periods occurring during FY 1987 as required by section 1886(g)(3) of the Act. However, the provisions of § 412.116 can not be applied retroactively due to the nature of PIP. Therefore, we directed the intermediaries to terminate current PIP payments to cancer hospitals that do not qualify to receive PIP under the provisions of § 412.116(b)(1) (i), (ii), or (iii). As with other prospective payment hospitals that no longer receive PIP. these cancer hospitals that have their PIP payments terminated will receive payments for inpatient operating costs related to care of Medicare patients on the basis of submitted bills rather than receiving equal biweekly payments.

Accordingly, we proposed to revise § 412.94(b) to clarify that cancer hospitals receiving payment on a reasonable cost basis retain their status as subsection (d) hospitals and are subject to all other regulations governing hospitals subject to the prospective

payment system.

Comment: One commenter believes that Congress' intent was to remove PIP and to reduce capital payments only for hospitals subject to the prospective payment system and that such application was not intended to apply to cancer hospitals that qualify for reasonable cost reimbursement under the provisions of § 412.94. The commenter also noted that most Medicare intermediaries continued PIP and unreduced capital payments to the eight cancer hospitals that qualify for reasonable cost reimbursement and that such action is consistent with the intent of Congress.

Several commenters recognized that our clarification of the regulations at § 412.94 is consistent with the statute. However, they recommended that any cancer hospitals currently receiving PIP should continue to receive PIP. The commenters believe that continuation of PIP would prevent operational disruptions in these hospitals and, given the small number of cancer hospitals, would have only a minimal cost impact

on the Medicare program.

Finally, one commenter requested that the preamble address whether qualifying cancer hospitals are exempt from the methodology regarding private room differential and from reasonable compensation equivalent (RCE) limits on physician Part A services, computations that are applicable to hospitals subject to the rate of increase limits under section 1886 (a) and (b) of the Act but not to hospitals paid under the prospective payment system.

Response: We believe, as some commenters agreed, that the statute requires application of the PIP provision and capital reduction provision applicable to prospective payment hospitals to qualifying cancer hospitals since they are also prospective payment hospitals. Therefore, we are required to apply these provisions to cancer hospitals. We believe that we cannot grant an exception to these provisions for the subject cancer hospitals, including, with regard to the PIP provision, cancer hospitals currently receiving PIP. The fact that some intermediaries did not properly apply the PIP and capital reduction provisions to the cancer hospitals is the reason that we are clarifying the regulation. Section 412.94(b)(1) provides that

qualifying cancer hospitals are to be paid on a reasonable cost basis under 42 CFR part 413. The methodology regarding the private room cost differential is set forth in § 413.53. Therefore, the regulations regarding the private room cost differential are applicable to cancer hospitals paid under reasonable cost reimbursement. The RCE limits are included in the regulations at § 405.482. Although the RCE limits are not included in part 413, they are an integral part of the applicable reasonable cost regulations. The latter regulations were formerly codified as subpart D of Part 405. When the prospective payment regulations now in Part 412 were recodified on March 29, 1985, all the reasonable cost regulations, including the RCE limits, were in subpart D. When the reasonable cost regulations were recodified as part 413 on September 30, 1986, certain regulations pertaining to teaching hospitals and provider-based physicians were not so recodified but remained in subpart D. However, the reference to the reasonable cost regulations in § 412.94 was changed from "subpart D of part 405" to "part 413". (See 51 FR 34793 (September 30, 1986).) Although not all the reasonable cost regulations were included in this new designation as they had been by the former designation, there was no intent to change their applicability. As we stated at the time, "In no instance do we intend any of the amendments to affect the substance of the Medicare rules." (51 FR 34790.) Thus, the applicability of the RCE limits to cancer hospitals did not change. They remain an integral part of determining payment for physican Part A services to a hospital that is paid on a reasonable cost basis. For § 412.94 cancer hospitals, payment is made under the reasonable cost regulations in part 413 and elsewhere and not under the prospective payment provisions of part 412. Therefore, these limits are applicable in determining the reasonable cost reimbursement for cancer hospitals. We

have revised § 412.94(b)(1) to refer to the reasonable cost provisions of both subparts D and E of part 405.

F. Rural Referral Centers (Section 412.96)

Under the authority of section 1886(d)(5)(C)(i) of the Act, § 412.96 sets forth the criteria a hospital must meet in order to receive special treatment under the prospective payment system as a referral center (that is, payment is based on the other urban payment rate rather than the rural payment rate). One of the criteria under which a rural hospital may qualify as a referral center is to have 275 or more beds available for use.

A rural hospital that does not meet the bed size criterion can qualify as a rural referral center if the hospital meets two mandatory criteria (number of discharges and case-mix index) and at least one of three optional criteria (medical staff, source of inpatients, or volume of referrals). With respect to the two mandatory criteria, currently a hospital is classified as a rural referral center if its—

- Case-mix index is equal to the lower of the median case-mix index for urban hospitals in its census region, excluding hospitals with approved teaching programs, or the median casemix index for all urban hospitals nationally; and
- Number of discharges is at least 5,000 discharges per year or, if fewer, the median number of discharges for urban hospitals in the census region in which the hospital is located. (We note that the number of discharges criterion for an osteopathic hospital is at least 3,000 discharges per year.)

Case-Mix Index

Section 412.96(c)(1) provides that HCFA will establish updated national and regional case-mix index values in each year's annual notice of prospective payment rates for purposes of determining referral center status. In determining the proposed national and regional case-mix index values, we followed the same methodology we used in the November 24, 1986 final rule, as set forth in regulations at § 412.96(c)(1)(ii). Therefore, the proposed national case-mix index value includes all urban hospitals nationwide and the proposed regional values are the median values of urban hospitals within each census region, excluding those with approved teaching programs (that is, those hospitals receiving indirect medical education payments as provided in § 412.118).

These values are based on discharges occurring during FY 1988 (October 1,

1987 through September 30, 1988) and include bills posted to HCFA's records through December 1986. Therefore, in addition to meeting other criteria, we proposed that to qualify for or to retain rural referral center status for cost reporting periods beginning on or after October 1, 1989, a hospital's case-mix index value for FY 1988 would have to be at least—

• 1.2187; or

 Equal to the median case-mix index value for urban hospitals (excluding hospitals with approved teaching programs as identified in § 412.118) calculated by HCFA for the census region in which the hospital is located as indicated in the table below.

	Region	Case-mix Index value
1.	New England (CT, ME, MA,	
	NH, RI, VT)	1.1598
2.	Middle Atlantic (PA, NJ, NY)	1.1595
3.	South Atlantic (DE, DC, FL, GA,	
	MD, NC, SC, VA, WV)	1.2107
4.	East North Central (IL, IN, MI,	
	OH, WI)	1.1644
5.	East South Central (AL, KY,	
	MS, TN,)	1.1598
6.	West North Central (IA, KS,	
	MN, MO, NB, ND, SD)	1.1742
7.	West South Central (AR, LA,	
	OK, TX)	1.2082
8.	Mountain (AZ, CO, ID, MT, NV,	
	NM, UT, WY)	1.2379
9.	Pacific (AK, CA, HI, OR, WA)	1.2272

Based on the latest data available (through June 1989), the final national case-mix index value is 1.2205 and the median case-mix index values by region are set forth in the table below.

	Region	Case-mix index value
1.	New England (CT, ME, MA,	
	NH, RI, VT)	1.1681
2.	Middle Atlantic (PA, NJ, NY)	1.1591
3.	South Atlantic (DE, DC, FL, GA,	
	MD, NC, SC, VA, WV)	1.2122
4.	East North Central (IL, IN, MI,	
	OH, WI)	1.1555
5.	East South Central (AL, KY,	
	MS, TN)	1.1615
6.	West North Central (IA, KS,	
	MN, MO, NB, ND, SD)	1.1741
7.	West South Central (AR, LA,	
	OK, TX)	1.2094
8.	Mountain (AZ, CO, ID, MT, NV,	
	NM, UT, WY)	1.2402
9.	Pacific (AK, CA, HI, OR, WA)	1.2432

For the benefit of hospitals seeking to qualify as referral centers or those wishing to know how their case-mix index value compares to the criteria, we are publishing the FY 1988 case-mix index values in Table 3c in section IV of the addendum to this final rule. In keeping with our policy on discharges, these case-mix index values are

computed based on all Medicare patient discharges subject to DRG-based payment.

2. Discharges

Section 412.96(c)(2)(i) provides that HCFA will set forth the national and regional numbers of discharges in each year's annual notice of prospective payment rates for purposes of determining referral center status. As specified in section 1886(d)(5)(C)(i)(II) of the Act, the national standard is set at 5,000 discharges. However, we proposed to update the regional standards, which are based on discharges for urban hospitals during the fourth year of the prospective payment system (that is, October 1, 1986 through September 30, 1987), which is the latest year for which we have complete discharge data available.

Therefore, in addition to meeting other criteria, we proposed that to qualify for or to retain rural referral center status for cost reporting periods beginning on or after October 1, 1989, a hospital's number of discharges for its cost reporting period that begen during FY 1988 would have to be at least—

- 5,000; or
- Equal to the median number of discharges for urban hospitals in the census region in which the hospital is located as indicated in the table below.

	Region	Number of discharges	
1.	New England (CT, ME, MA,	Constitution	
20	NH, RI, VT)	6749	
2.	Middle Atlantic (PA, NJ, NY)	8138	
3.	South Atlantic (DE, DC, FL, GA, MD, NC, SC, VA, WV)	6451	
4.	East North Central (IL, IN, MI, OH, WI)	7850	
5.	East South Central (AL, KY, MS, TN)	6113	
3,	West North Central (IA, KS, MN, MO, NB, ND, SD)	5832	
7.	West South Central (AR, LA, OK, TX)	4528	
В.	Mountain (AZ, GO, ID, MT, NV, NM, UT, WY)	7403	
9.	Pacific (AK, CA, HI, OR, WA)	4927	

Based on the latest discharge data available, the final median number of discharges by census region are set forth in the table below.

	Region	Number of discharges		
1.	New England (CT, ME, MA, NH, RI, VT)	6599		
2.	Middle Atlantic (PA, NJ, NY)	7750		
3.	South Atlantic (DE, DC, FL, GA,			
	MD, NC, SC, VA, WV)	6328		
4.	East North Central (IL, IN, MI, OH, WI)	7287		

	Region	Number of discharges
5.	East South Central (AL, KY, MS, TN)	5841
6.	West North Central (IA, KS, MN, MO, NB, ND, SD)	5683
7.	West South Central (AR, LA, OK, TX)	4586
8.	Mountain (AZ, CO, ID, MT, NV, NM, UT, WY)	7203
9.	Pacific (AK, CA, HI, OR, WA)	5296

We again note that to qualify for or to retain rural referral center status for cost reporting periods beginning on or after October 1, 1989, an osteopathic hospital's number of discharges for its cost reporting period that began during FY 1988 would have to be at least 3,000.

3. Retention of Referral Center Status

In the August 31, 1984 final rule, we announced that we were instituting a periodic review of the status of hospitals that qualified for a payment adjustment as referral centers (49 FR 34746). That final rule stated that this review would allow us to determine if these hospitals continued to meet the criteria for referral center status. The final rule stated that we would grant referral center status to a hospital for a 3-year period. At the end of the 3 years, we would evaluate a hospital's performance in meeting the criteria for qualifying as a referral center. A hospital would have been required to meet the criteria for at least 2 of those 3 years. If it did, the hospital would retain its referral center status for another 3-year period. If the hospital did not meet the criteria for at least 2 of the 3 years, the hospital's status as a referral center would end with the last day of the third cost reporting period for which it received the referral center payment adjustment.

Before we were able to implement this review, the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99-509) was enacted on October 21, 1986. Section 9302(d)(2) of Pub. L. 99-509 stated that any hospital that was classified as a rural referral center on the date of the enactment of that law will continue to be classified as a referral center for cost reporting periods beginning on or after October 1, 1986 and before October 1, 1989. Thus, any hospital that was classified as a referral center as of October 21, 1986 (the date of enactment of Pub. L. 99-509) is guaranteed this status through its cost reporting period beginning before October 1, 1989

We believe it is important that the rural referral center benefit be available only to those hospitals that continue to be in compliance with the statutory criteria for designation. Therefore, with the expiration of the requirement of section 9302(d)(2) of Pub. L. 99-509 on October 1, 1989, we proposed to implement essentially the same retention criteria and methodology specified in § 412.96(f) that we had developed prior to the enactment of Pub. L. 99-509 with one variation. These previous criteria and methodology were discussed in the June 10, 1985 proposed rule (50 FR 24380) and the September 3, 1985 final rule (50 FR 35676).

Basically, to retain status as a referral center, a hospital must meet the criteria for classification as a referral center specified in § 412.96(b) or (c) for at least 2 of the 3 years after it qualifies as a referral center or it must qualify on the basis of the requirements for the current year. A hospital may meet the specific criteria in either paragraph for individual years during the 3-year period or the current year. For example, a hospital may meet the two mandatory requirements in § 412.96(c)(1) (case-mix index) and (c)(2) (number of discharges) and the optional criterion in paragraph (c)(3) (medical staff) during the first year. During the second and third year, the hospital may meet the criteria under § 412.96(b)(1) (rural location and appropriate bed size).

A hospital must meet all of the criteria within any section of the regulations in order to meet the retention criteria for a given year. That is, it must meet all of the criteria of § 412.96(b)(1) or § 412.96(b)(2) or § 412.96(c). For example, if a hospital meets the casemix index standards in § 412.96(b)(2) in years 1 and 3 and the number of discharge standards in years 2 and 3, it would not meet the retention criteria. All of the standards must be met in the same year.

When we begin implementation of the provisions of § 412.96(f), some hospitals will have been classified as referral centers for more than 3 years without having been reviewed for continuing compliance with the referral center criteria. We proposed that the review process be limited to the hospital's compliance during the last 3 years. Thus, if a hospital meets the criteria for at least 2 of the last 3 years or for the current year, it would retain its status for another 3 years. No hospital would be subject to a review until the end of its third full cost reporting period as a referral center. Therefore, those hospitals that first qualified as referral centers as of April 1, 1988 by virtue of having at lest 275 beds will not be subject to review until the end of their their full cost reporting period as a referral center.

In the past few years, there have been several changes in the methodology used to set the case-mix index and the number of discharges criteria. We have constructed the following chart and example to aid hospitals that qualify as referral centers under the criteria in § 412.96(c) in projecting whether they will retain their status as a referral

Under § 412.96(f), to qualify for a 3year extension effective with cost reporting periods beginning in FY 1990, a hospital must meet the mandatory criteria in § 412.96(c) for FY 1990 or it must meet the criteria for 2 of the last 3 years as follows.

For the cost reporting period beginning during FY	Use hospital's case-mix index for FY	Use the discharges for the hospital's cost reporting period beginning during FY	Use numerical standards as published in the Federal Register on
1990	1988	1988	Sept. 1, 1989.
1989	1987	1987	Sept. 30, 1988.
1988	1986	1986	Sept. 1, 1987.
1987	1985	1985	Nov. 24, 1986 and Aug. 24, 1987.

Example: A hospital with a cost reporting period beginning July 1 qualified as a referral center effective July 1, 1985. The hospital has fewer than 275 beds. Its status as a referral center is protected through the end of its cost reporting period beginning July 1, 1989. To determine if the hospital should retain its status as a referral center for an additional 3-year period, we would review its compliance with the applicable criteria for its cost reporting periods beginning July 1, 1987, July 1, 1988, July 1, 1989, and July 1, 1990. The hospital must meet the criteria either for its cost reporting beginning July 1, 1990 or for two out of the three past periods. For example, to be found to have met the criteria at § 412.96(c)(2) for its cost reporting period beginning July 1, 1988, the hospital's case-mix index value during FY 1986 must have equaled or exceeded the lower of the national or the appropriate regional standard as published in the September 1, 1987 final rule. The hospital's total number of discharges during its cost reporting year beginning July 1, 1986 must have equaled or exceeded 5000 or the regional standard as published in the September 1, 1987 final rule.

For those hospitals that seek to retain referral center status by meeting the

criteria of § 412.96(b)(1) and (b)(1)(ii) (that is, rural location and appropriate bed size (500 or more beds for discharges occurring before April 1, 1988 and 275 or more beds thereafter)), we would look at the number of beds shown for indirect medical education purposes (as defined at § 412.118(b)) on the hospital's cost report for the appropriate year. As discussed above, we would consider only full cost reporting periods beginning on or after April 1, 1988 when determining a hospital's status under § 412.96(b)(1)(ii). This definition varies from the bed size criterion used to determine a hospital's initial status as a referral center because we believe it is important for a hospital to demonstrate that it has maintained at least 275 beds throughout its entire cost reporting period, not just for a particular portion of the year.

In the proposed rule, we projected that 25 percent of hospitals currently designated as rural referral centers will not meet the retention criteria. We are revising this figure to 19 percent based on more current data. Our projection is based on comparison of the existing rural referral centers' actual case-mix index values and number of discharges to the lower of the national or regional standards for the applicable years. Approximately 80 percent of the hospitals we project will not retain their status did not meet the proposed casemix index criterion for qualifying as a rural referral center in FY 1990; based on MEDPAR data processed through December 31, 1988, the average case-mix index value for the hospitals not meeting the case-mix index criterion is six percent lower than the applicable criterion. Approximately 40 percent of the hospitals that we project will not retain status failed to meet the discharge standards. Twenty-five percent met neither the discharge nor the case-mix index criterion for FY 1990 or for 2 out of the last 3 years.

We received many comments concerning the various aspects of payment to rural referral centers. These comments and our response follow.

Comment: Several commenters suggested revisions in the manner in which we set the national and regional case-mix index criteria. That is, some believed that the case-mix index criteria should be based on the mean case-mix index of urban hospitals rather than on the median which we now use. One commenter suggested that we establish a hospital's average case-mix index value over a 3-year period and compare it to the average case-mix index value of urban hospitals for the same 3-year period. One commenter suggested that

we develop "proper" case-mix index criteria, but did not elaborate further. Finally, one commenter stated that establishing the case-mix index criterion standards at the median was unfair since it means that a rural hospital must maintain a case-mix index value higher than 50 percent of all urban hospitals.

Response: Section 9302(d)(1) of the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99-509) amended section 1886(d)(5)(C)(i) of the Act to statutorily establish case-mix index, annual number of discharges, and "any other criteria established by the Secretary" as one method under which a rural hospital can qualify as a rural referral center. Section 1886(d)(5)(C)(i)(II) of the Act specifically requires that a rural hospital have "a case mix equal to or greater than the median case mix for hospitals (other than hospitals with approved teaching programs) located in an urban area in the same region * * (emphasis added). Thus, we believe we are prohibited by law from implementing any of the suggestions offered.

We believe the current methodology is an equitable measure of the complexity of the cases treated by a hospital. As we have noted in previous discussions, Congress intended that the rural referral center adjustment be granted only to large facilities that treat "patients who require an intensity of resources beyond the capabilities of general community hospitals." [120 Cong. Rec. S3224-3226 (daily ed. March 17, 1983).) Congress also described referral centers as "large, technologically sophisticated hospitals * * which are characterized by high case mix indices, diverse geographical patient origin, and numerous multidisciplinary medical education programs." [129 Cong. Rec. S3224-3226 (daily ed. March 17, 1983).) Thus, we believe Congress intended that qualification as a rural referral center be limited to those rural hospitals that can demonstrate through maintenance of high case-mix index values that they are truly providing highly specialized and intensive care.

In addition to the fact that the law requires that we establish the qualifying standards using the median case-mix index value of urban hospitals, we also believe the median is the appropriate measure. Means can be skewed by extremes either at the upper or lower ends. The median is less likely to be significantly altered by such extremes.

Finally, section 1886(d)(5)(C)(i)(I) of the Act, as originally added by section 2311(a) of the Deficit Reduction Act 1984 (Pub. L. 98–369), specifically states that certain operating characteristics of rural referral centers should be similar to those of a typical urban hospital located in the same census region. We believe the median more accurately reflects the typical urban hospital than would the mean. For these reasons, we do not believe it is unreasonable to expect rural hospitals seeking rural referral center status to meet a standard that exceeds that of 50 percent of the urban hospitals.

Comment: Although we did receive one favorable comment, many commenters disagreed with our proposal to implement triennial reviews of approved rural referral centers. Commenters' alternative suggestions to our proposal included extension of the grandfathering provision for 3 to 5 years, eliminating the reviews altogether, or delaying implementation of the review until proposed legislation that would extend the grandfathering provision has been acted upon.

Response: We continue to believe that it is equitable and reasonable to review periodically approved rural referral centers' compliance with the criteria in the statute and regulations to ensure that only those hospitals that are truly functioning as rural referral-centers receive the special adjustment. Some hospitals qualified as rural referral centers based on their case-mix index values and number of discharges from 1981 and have not met the criteria since that time. We do not believe it is fair to the remaining rural hospitals to continue to recognize these hospitals as rural referral centers. Thus, we do not agree with the commenters who suggested either not doing the reviews at all or delaying them for several years.

We have compared data from the two groups of rural referral centers (those projected to retain their status and those projected to lose their status) to rural hospitals that are not referral centers and to hospitals located in other urban areas. These data show that the hospitals projected to retain referral center status do, in fact, bear a marked similarity to hospitals in other urban areas in comparison of both case-mix index values and numbers of discharges. Similarly, the statistics of rural referral centers projected to lose their status more closely resemble those of all other rural hospitals. For example, the rural hospitals retaining referral center status had an average case-mix index value of 1.2289 compared to an average case-mix index value of 1.2753 for hospitals in other urban areas; discharges averaged 8,185 and 8,009, respectively. The rural referral centers projected to lose their status had an average case-mix index value of 1.1275 and discharges of 5,412, which, while above the averages of 1.0739 and 1.753 for all other rural

hospitals, are still enough lower than the statistics of other urban hospitals to illustrate their dissimilarity. In addition, we compared the FY 1987 average cost per case of rural referral centers projected to retain their status (\$3,192) to the average cost per case of other urban hospitals (\$3,967). The average cost per case for the referral centers projected to lose their status was \$2,896 while that of all other rural hospitals was \$2,462.

We believe that all of these data demonstrate that those rural referral centers that we project will lose their status more closely resemble other rural hospitals than they do other urban hospitals. We believe these data support reimplementation of the periodic reviews of rural referral center and the retention of only those hospitals that continue to meet the qualifying critiera.

With regard to proposed legislation that would extend the grandfathering provision, we cannot set policy or delay implementing regulatory provisions based on pending legislation that may be enacted in any one of several forms or may not be enacted at all. If legislation that has an impact on our policy concerning rural referral centers if enacted, we will comply with it as rapidly as possible.

Comment: One commenter suggested that the criteria to retain rural referral center status should be limited to casemix index and referrals only and should not include number of discharges. Another commenter stated that the 5,000 national discharge standard that must be met to qualify for rural referral status is arbitrary and irrelevant in view of declining hospital utilization. A third commenter requested that we publish the specific number of Medicare discharges by hospital as we do casemix index values, so that these numbers can be reviewed for accuracy.

Response: As noted above, section 1886(d)(5)(C)(i)(II) of the Act requires that we consider a rural hospital's annual number of total discharges along with its case-mix index value (as well as optional criteria as determined by the Secretary) in classifying rural hospitals as rural referral centers under this section. Specifically, that section of the Act requires that a hospital have "at least 5,000 discharges a year or, if less, the median number of discharges in urban hospitals in the region in which the hospital is located . . ." (We note that this section also provides that rural osteopathic hospitals must have 3,000 annual discharges.).

Thus, the fact that a hospital must maintain a specific number of discharges annually is not only a statutory requirement, but the national level of 5,000 is also set by law, as is the requirement that the regional standards must be determined based on the median number of discharged from urban hospital in the same census region. Therefore, we do not have the authority to eliminate discharges as a standard or to alter the national number required. In addition, we believe it is reasonable to require a hospital to meet the same standards to retain rural referral center status as must be met to acquire that status during any given year.

It should also be noted that the 5,000 discharges standard is lower than the median number of discharges from eight of the nine census regions. In some regions, it is significantly lower (by more than 2,750 discharges annually in census region 2). In addition, data taken from hospital cost reports for cost reporting periods beginning during FYs 1987 and 1988 show that, on a national basis, although the median number of discharges from rural hospitals declined from 1,451 in 1987 to 1,403 in 1988, the median number of discharges from urban hospitals actually increased from 6,314 in 1987 to 6,335 in 1988. In view of these statistics, we believe the 5,000 total discharges standard is quite reasonable. Therefore, we are not adopting the commenters' suggestions.

Regarding the suggestion that we publish the annual number of Medicare discharges for verification purposes, we are uncertain how such information would benefit hospitals seeking rural referral center status. A hospital's total annual discharges are considered in determining its qualification as a rural referral center—not just its Medicare discharges. That number is obtained from the hospital's cost report for the appropriate year; the number of Medicare discharges is not a consideration in determining rural referral center status.

Although annual Medicare discharges may be obtained from central office records, we do not believe the number alone is of significance for hospitals in determining rural referral center status. In addition, since, for purposes of qualifying as a rural referral center, a hospital's discharges are determined based on each hospital's cost reporting year, it would be an administrative expense for HCFA to provide Medicare discharge information based on each hospital's cost reporting period.

Therefore, we are not adopting the commenter's suggestion.

Comment: We received one comment suggesting that since the change in the rural referral center policy will have an impact on payments to hospitals, it should be implemented in a budgetneutral fashion.

Response: It has not been our practice to make budget neutrality adjustments to reflect increases or decreases in aggregate payments due to changes in hospital status for special payment provisions except when we have been required to do so by the statute. For example, although we made a budget neutrality adjustment as required by section 9302(d)(3) of Pub. L. 99-509 when the rural referral center case-mix index criterion was revised to exclude teaching hospitals effective for cost reporting periods beginning on or after October 1, 1986, we did not make subsequent adjustments to the payment rates for additional payments made to newly qualifying referral centers after that date and before the bed-size criterion was lowered effective April 1, 1988 by section 1886(d)(5)(C)(i)(I) of the Act. Therefore, we do not believe we should adjust the rates when hospitals no longer qualify. We have also taken this position for disproportionate share hospitals which must qualify annually for additional payments under the disproportionate share hospital provision.

Moreover, we believe a budget neutrality adjustment would be premature. Our projection of how many hospitals will not retain referral center status is based on available information: for example, we have used FY 1987 discharges in our estimate. We will not actually know how many hospitals lose their rural referral center status until the retention status determination is made by the Regional Office. This determination will include consideration of the hospitals' FY 1988 discharges. Also, affected hospitals will not lose their rural referral center status until the beginning of their next cost reporting period, which in many cases will be well into the next Federal fiscal year.

G. Disproportionate Share Adjustment (Section 412.106)

Section 8401 of Pub. L. 100-647 amended section 1886(d)(5)(F)(i) of the Act to extend payment of the disproportionate share adjustment through discharges that occur before

October 1, 1995. Prior to enactment of Pub. L. 100-203, the payment adjustment for disproportionate share hospitals was to be made only through discharges occurring before October 1, 1990. We proposed to revise § 412.106(b)(1) and (b)(2) to conform our regulations with this statutory provision. We received no comments on this provision. Therefore, we are adopting our changes as proposed. However, we are taking this opportunity to clarify the regulations at § 412.106, which deal with the adjustment for disproportionate share hospitals. These revisions are not intended to revise the regulations (except for the change required by section 1886(d)(5)(F)(i) of the Act described above), but are merely designed to make the regulations easier to read and understand.

H. Indirect Medical Education Costs (Section 412.118)

Section 1886(d)(5)(B) of the Act provides that prospective payment hospitals that operate medical education programs receive an additional payment for the indirect costs of medical education. The regulations governing the calculation of this additional payment are set forth at § 412.118. Each hospital's additional indirect medical education payment is determined by multiplying the hospital's total DRG revenue by the applicable education adjustment factor.

Section 4003(a) of Pub. L. 100-203 revised section 1886(d)(5)(B)(ii) of the Act to reduce the education adjustment factor used to determine the indirect medical education payment for approximately 8.1 percent to approximately 7.7 percent for discharges occurring on or after October 1, 1988 and before October 1, 1990. Section 8401 of Pub. L. 100-647 extended the applicability of this education adjustment factor through discharges occurring before October 1, 1995. We note that the education adjustment factor is an approximation because the adjustment factor is applied on a curvilinear or variable basis. An adjustment made on a curvilinear basis reflects a nonlinear cost relationship; that is, each absolute increment in a hospital's ratio of interns and residents to beds does not result in an equal proportional increase in costs.

For discharges occurring on or after October 1, 1988 and before October 1, 1995, the indirect medical education factor equals the following:

$$1.89 \times \left[\left(\begin{array}{c} 1 \\ + \end{array} \right. \frac{\text{interns and residents}}{\text{beds}} \right) .405 - 1 \ \right]$$

For discharges occurring on or after October 1, 1995, the indirect medical education factor equals the following:

$$1.43 imes \left[\left(\begin{array}{c} 1 + \frac{\text{interns and residents}}{\text{beds}} \right).5795 - 1 \end{array} \right]$$

We proposed to amend § 412.118 (c) and (d) to implement the provisions of amended section 1886(d)(5)(B)(ii) of the Act. We received no comments on these changes; therefore, they are adopted as proposed.

I. Interim Payment Provision for Hospitals with Unusually Long Lengths of Stay (Section 412.116)

On August 15, 1986, we published a final rule, effective for discharges occurring on or after July 1, 1987, which provided for the elimination of the PIP method of payment for all hospitals (51 FR 29386) except for services furnished by rural hospitals with fewer than 100 beds. Under PIP, a hospital is paid on an interim basis for services furnished to beneficiaries. These interim payments are based on the hospital's projected annual costs (for hospitals excluded from the prospective payment system) or payments under the prospective payment system for Medicare patients and are made in equal biweekly payments to the hospital without regard to the submission of individual bills. Any overestimation or underestimation of the hospital's actual costs or total prospective payments to the extent not adjusted during the year is adjusted at the time of cost report settlement.

Because prospective payments are based on discharge information and, therefore, cannot be made until after discharge, in the August 15, 1986 final rule, we included a provision for special interim payments for unusually long lengths of stay in prospective payment hospitals no longer receiving PIP. Under that provision, a hospital was permitted to request an interim payment if a Medicare beneficiary's stay exceeded 30 days. The amount of the interim payment was equal to the hospital's Federal rate per discharge multiplied by the appropriate DRG weighting factor. Only one interim payment per discharge was permitted. The amount of the interim payment was to be deducted from the final payment determined

following the patient's discharge. No such provision was made for hospitals excluded from the prospective payment system since payment to these hospitals is not made on a per discharge basis and they have the option of submitting interim bills during an unusually long stay.

The provisions of the August 15, 1986 final rule were effectively invalidated by section 9311(a) of the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99-509), which added section 1815(e) of the Act to set forth specifically the circumstances under which PIP is available for services furnished by hospitals and other providers. Generally, inpatient hospital services furnished by hospitals excluded from the prospective payment system, as well as skilled nursing facility services, home health services, and hospice care, may be paid on a PIP basis. With certain exceptions, inpatient hospital services furnished by prospective payment hospitals are not eligible for payment on a PIP basis. Subsequently, we published a final rule with comment period on January 21, 1988 (53 FR 1621) which, in addition to implementing the provisions of section 1815(e) of the Act, eliminated the provision allowing a special interim payment for long stay cases set forth in the August 15, 1986 final rule.

In response to the January 21, 1988 final rule, we received a number of comments objecting to the elimination of the provision for special interim payments for unusually long lengths of stay. These commenters cited that we had originally provided for the special interim payments in order to alleviate the cash flow problems that certain hospitals might encounter after they no longer received PIP. The commenters indicated that a cash flow shortage continues to be a problem for a hospital that cannot receive any Medicare payment for a patient who has been in the hospital for an unusually long time. Some commenters believed that the problem was more acute for small

hospitals or for rural hospitals, but all believed that not receiving an interim payment for a long-stay patient represented a hardship to the hospital. Others commented that the problem is exacerbated by the fact that the number of patients remaining in their hospitals awaiting skilled nursing facility (SNF) placement is increasing due to the shortage of beds in Medicareparticipating SNFs in their areas.

In addition to the hardships raised by the commenters, the enactment on July 1, 1988 of the Medicare Catastrophic Coverage Act of 1988 (Pub. L. 100-360) has had an adverse impact on prospective payment hospitals with unusually long lengths of stay. Before enactment of Pub. L. 100-360, a beneficiary was entitled to 90 days of inpatient hospital services during each spell of illness. In addition, a beneficiary could draw from a lifetime reserve of 60 days if that beneficiary's inpatient hospital days exceeded 90 days in a spell of illness. However, under section 1812(a)(1) of the Act, as amended by section 101(b) of Pub. L. 100-360, essentially unlimited inpatient hospital days are available for Medicare beneficiaries effective with services furnished on or after January 1, 1989. Therefore, effective January 1, 1989, in extremely long stay cases, Medicare payment for benefits that previously would have been exhausted will continue to accrue until discharge.

In light of the comments discussed above and the changes made by Pub. L. 100–360, we have reconsidered our position with respect to providing some form of special interim payment to prospective payment hospitals for long stays. We are revising the regulations at § 412.116 to state that hospitals subject to the prospective payment system that are not on PIP may request a special interim payment after a patient has been in the hospital at least 60 covered days and may request additional interim payments thereafter at intervals of at least 60 days. We believe that this

policy represents a reasonable and equitable solution for those hospitals that, with respect to extremely long stay cases, have been adversely affected by

the elimination of PIP.

The amount of the initial interim payment will be equal to the rate for the DRG that results from applying the GROUPER classification to the diagnosis, procedures, and other pertinent information that is reported on the initial interim bill. The payment for the initial interim bill will be determined as if the bill were the final bill. That is, the intermediary will pay the hospital based on the DRG determined for the bill plus any outlier payments as of the date of the last day for which services have been billed. Subsequent interim bills, including the final bill, will be processed as adjustment bills, with payment determined as if the bill were the final bill. Generally, the adjusted payment from subsequent bills will result from outlier payments accruing since the previous bill. These special interim payments are effective [date of publication] for all qualifying current and subsequent inpatient hospital admissions.

As we stated above, this change to our payment policy is made primarily in response to the comments received on the January 21, 1988 final rule with respect to the special interim payments issue. We have made our final determination on this issue and are publishing it at this time because we believe it to be of paramount importance to the hospital industry as well as in the best interest of the public to issue as soon as possible. The other comments submitted in response to the January 21 final rule will be addressed in a separate document to be published in the future.

V. Other ProPAC Recommendations

As required by law, we reviewed the March 1, 1989 report submitted by ProPAC and gave its recommendations careful consideration in conjunction with the proposals set forth in the proposed rule. We also responded to the individual recommendations in the proposed rule. The comments we received on our treatment of the ProPAC recommendations are set forth below along with our responses to those comments. However, if we received no comments from the public concerning a ProPAC recommendation or our response to that recommendation, we have not repeated the recommendation and response in the discussion below. Recommendations 1 through 7 concerning the update factors are discussed in Appendix B of this document. Recommendation 13

concerning reassignment of patients with Guillain-Barre syndrome is discussed in section II.B. of this preamble.

A. Adjustments to the Prospective Payment System Payment Formula

Indirect Medical Education Adjustment (Recommendation 8)

Recommendation: The Secretary should seek legislation to reduce the indirect medical education adjustment from 7.7 percent to 6.6 percent for FY 1990. This reduction should be implemented in a budget neutral fashion with the savings returned to all hospitals through corresponding increases in the standardized amounts. ProPAC estimates that the indirect medical education adjustment should be 4.4 percent. However, concern about implementing such a large reduction led ProPAC to recommend that only onethird of the total reduction be implemented this year. ProPAC also recommends that further reductions should be made only after review of costs and analysis of impact.

Response in the Proposed Rule: We agree that the current indirect medical education adjustment paid to teaching hospitals is excessive and should be reduced. We believe that the adjustment should be reduced to 4.05 percent for each 10 percent increment in the intern and resident-to-bed ratio applied on a curvilinear basis. That figure represents our estimate of the actual impact of the indirect costs of teaching activity on hospital costs. We note that this figure does not differ significantly from the ProPAC estimate, which is 4.4 percent for each 10 percent increment in the ratio of interns and residents-to-beds.

Our analyses indicate that teaching hospitals have had favorable Medicare operating margins under the prospective payment system. Hospitals, on average, experienced operating margins of 5.3 percent during FY 1987. Teaching hospitals, on the average, experienced higher Medicare operating margins. Teaching hospitals with an intern and resident-to-bed ratio of less than 25 percent had Medicare operating margins of 7.6 percent during FY 1987; teaching hospitals with greater than a 25 percent intern and resident-to-bed ratio had Medicare operating margins of 13.6 percent on average during FY 1987.

We believe that teaching hospitals have fared exceptionally well under the prospective payment system and are able to absorb a reduction in the indirect medical education adjustment. Therefore, while we recognize that a change in the adjustment from 7.7 percent to 4.05 percent is sizeable, we

do not believe that gradually reducing the adjustment, as ProPAC has recommended, is justified. Moreover, in view of the budgetary constraints, we believe it would be inappropriate to pay in excess of the estimate of the actual indirect costs of teaching activity. Further, because we believe payments to other hospitals are adequate, we believe that the change in the indirect medical education adjustment formula should not be implemented in a budget neutral fashion.

Comment: Several commenters objected to our recommendation concerning the adjustment factor for indirect medical education, Some commenters urged that we accept ProPAC's recommendation for a phasedin reduction of the adjustment, that is, for FY 1990, from 7.7 to 6.6 percent. Others objected to any reduction in the adjustment.

Response: We want to note that we did not propose to reduce the adjustment for indirect medical education in the proposed rule. Since the current adjustment is required by section 1886(d)(5)(B)(ii) of the Act, any change to the formula would require legislation. In the proposed rule, we were responding to a recommendation submitted by ProPAC that the Secretary seek legislation to reduce the adjustment formula. We responded that we concurred with ProPAC that the current formula results in an adjustment that is excessive and indicated that we believe the adjustment should be reduced from the current 7.7 percent to 4.05 percent (54 FR 19655).

We based our recommendation on the results of a 1985 study conducted by the Congressional Budget Office (CBO) that shows that the average cost per Medicare discharge increases by 4.05 percent for each 10 percent increase in the intern-to-bed ratio. A more recent study conducted by CBO ("Setting Medicare's Indirect Teaching Adjustment for Hospitals," May 1989) found that, depending on the model used, the adjustment factor could range from a low of 3.5 percent to a high of 5.2 percent. In addition, a study by the General Accounting Office (GAO) (as well as the ProPAC study) confirms that the current adjustment is excessive. (GAO Report No. HRD-89-33, January 5, 1989, "Medicare Indirect Medical Education Payments Are Too High.") GAO used several different models to estimate the effect of teaching programs on Medicare inpatient operating costs per discharge. Depending on the model used in the analysis, GAO estimated that the teaching effect on the Medicare cost per discharge ranges from 3.73

percent to 6.51 percent. The model that includes the Medicare payment variables, outlier cases, and bed size estimates the teaching effect at 4.05 percent.

B. Quality of Care

Evaluation of PRO Review of Quality of Care (Recommendation 14)

Recommendation: The Secretary should evaluate the impact of the PROs on quality of care. Intensified analysis of the PRO findings and validation of the PRO quality review process should be included in the evaluation. The validity, reliability, and efficiency of the PRO quality screens should receive special emphasis in the evaluation. In addition, the Secretary should continue to develop, test, and implement more sophisticated methods of inpatient and outpatient quality review. The Secretary should also develop additional mechanisms to identify and evaluate quality of care beyond the immediate period of hospitalization, placing more emphasis on outcomes of care.

Response in the Proposed Rule: We agree with the recommendation for evaluation of the impact of PROs on quality of care. We have the following two mechanisms in place that evaluate a PRO's application of quality screens:

· An independent contractor, the socalled "SuperPRO" (currently Systemetrics, Inc.), validates the determinations made by a PRO specifically to identify quality issues that should have been addressed by the PRO using generic screening criteria. This review is a rereview of the medical records originally examined by the PRO. Whenever discrepancies arise, the PRO is given an opportunity to rebut the SuperPRO's findings. The final SuperPRO decisions are used as educational tools for PROs. HCFA also reviews these decisions to identify areas in which corrective action is needed. During the PRO contract negotiations, SuperPRO findings, including those related to generic quality screens, will be considered in the PRO evaluation

• The Peer Review Organization
Monitoring Protocol and Tracking
System (PROMPTS) monitors the PROs
performance in the area of quality of
care. PROMPTS involves regional office
rereview of PRO clinical decisions,
including generic screen failures. If the
regional office disagreements with a
PRO's decisions exceeds a specific
threshold, the PRO must submit a
corrective action plan. These corrective
actions are then monitored by HCFA,
and subsequent SuperPRO findings are
closely examined to monitor a PRO's

performance. We routinely analyze those areas where the disagreement rate exceeds the threshold and require the PRO to take additional corrective action, if necessary. Additionally, the PRO's performance in this activity is considered in the PRO evaluation process.

SuperPRO and PROMPTS are essential parts of the PRO evaluation process and are used to carefully monitor and evaluate the validity, reliability, and efficiency of PRO application of quality screens. HCFA agrees with ProPAC's recommendation that the Secretary should continue to develop, test, and implement more sophisticated methods of inpatient and

outpatient quality review.

Additionally, we are developing methodology for the PROs to use in proposing pilot projects in each of these areas. For example, we will be looking at proposals under which the PROs would review the quality of care in physicians' offices and in other outpatient settings. The pilot studies would be designed to track the patient across all settings in which care is received to assess health longitudinally. We also will be planning pilot projects under which PRO review will be lessened in hospitals whose performance appears superior, as judged by such things as consistently lower than expected risk-adjusted mortality and rehospitalization rates. This will help us to determine whether patient outcomes in these hospitals differ significantly from those where the normal PRO review process is in place.

Comment: One commenter disagreed with our assertion that our existing PRO review activities are sufficient. The commenter noted that these activities represent simply administrative tools used in the administration of the program and that it is time to undertake a thorough, independent review of the impact of PROs on quality of care for

Medicare beneficiaries.

Response: We do not agree that all of the activities we cited are mere evaluative tools and, thus, simply administrative mechanisms used in the proper and efficient administration of the program. We are, however, about to begin a demonstration to review services furnished by physicians in various settings (ranging from inpatient hospital services to those furnished in physicians' offices). This review, which will include reviews of beneficiaries who have been hospitalized, will enable us to discern the outcomes experienced by beneficiaries.

In addition, we have begun a project, which collects abstracted clinical data, to detect deteriorations of improvements

in the medical treatment of Medicare beneficiaries. These may be measured by changes from year to year in the incidence of interventions such as hospitalization or by diagnostic or therapeutic interventions in the ambulatory setting and in the outcomes of such interventions as measured by mortality, morbidity, disability, and expenditures. To establish a baseline measure of health and functional statutes, we are considering developing a registry that will contain assessments of the condition of the Medicare beneficiary at the time of entry and at appropriate intervals thereafter. Such information will permit more effective evaluation of trends by taking into account the variations in the initial condition of the beneficiary.

The data generated from these and other pilot projects will allow us to refine goals and objectives for the program based upon outcome measurements. While this also could be considered part of good program administration, we view it as an assessment of the program's overall impact. Any other measurement activity would require baseline comparative data, which are not currently available.

C. Ambulatory Surgery Payment

Medicare Payment for Hospital
 Outpatient Surgery (Recommendation
 16)

Recommendation: Beginning in FY 1990, Medicare payment for the facility component of hospital outpatient surgery including capital should be entirely prospective. Separate rates should be established for each of the six groups proposed for payment of services furnished in ambulatory surgery centers (ASCs). The rate for FY 1990 should be based on a blend of hospital-specific costs, average hospital costs, and the rate paid to freestanding ASCs. The rate should be updated annually.

The level of the prospective rates should be the same in FY 1990 as they would have been under current policy. Payments should be adjusted to reflect differences in area wages. These changes in hospital outpatient surgery payment policy should apply to the list of ASC-approved procedures only; other Medicare payment provisions should continue for all other procedures. ProPAC does not recommend special treatment of eye and ear specialty hospitals.

Response in the Proposed Rule: We agree with ProPAC's objective to develop a prospective payment system for hospital outpatient ambulatory surgical services. However, we do not

agree with the approach ProPAC has recommended. As we stated in our interim report to Congress last year on this subject, a prospective payment system for hospital outpatient ambulatory surgical services should be based on two basic principles. First, Medicare program outlays should be no greater under a hospital outpatient prospective payment system than under the current system. Second, the prospective payment system should create a level playing field between ASC and hospital outpatient departments; that is, any difference between hospital-based payments and ASC payments should be based on justifiable differences in cost.

We plan to continue studying different approaches to incorporate hospital outpatient surgical services into a prospective payment system that is based on the principles stated above. Thus, we recommend no further changes to the hospital outpatient ambulatory surgical payment system at this time.

Comment: We received one comment, which was from ProPAC. While ProPAC basically agrees with the premise of our response in the proposed rule, it continues to recommend an interim prospective payment system for hospital outpatient surgeries. In addition, ProPAC recommended an investigation of ways to improve data from ASCs.

Response: We continue to believe we should not support any changes in Medicare payment policy for hospital outpatient surgical procedures at this time. Instead, we will continue in our efforts to develop a fully prospective payment system for all hospital outpatient services as mandated by section 1135(d) of the Act, as enacted by section 9343(f) of Pub. L. 99–509.

ProPAC's comment stated that ProPAC agreed with us that an outpatient prospective payment system should recognize justifiable differences in costs of furnishing services between hospital outpatient departments and ASCs. However, while ProPAC identified several factors that would account for the cost difference, ProPAC stated that the effect on costs in not understood and proposed that the interim system give "less prominence" to the freestanding ASC rates in establishing the outpatient rates. In this regard, since Congress mandated that any such differences in costs between ASCs and hospital outpatient departments be taken into account in establishing a prospective system (section 1135(d) of the Act), we do not believe a prospective payment system should be implemented. In addition, ProPAC's concern regarding data constraints with respect to ASC rates

further justifies our position to make no changes at the present time.

Our recommendation is based on the fact that we do not have sufficient data at this time to assess the impact the proposed changes would have on beneficiaries, hospitals, and the Medicare program. We are only just beginning to receive the first cost reports reflecting the current payment system for ambulatory surgical procedures in hospitals. In addition, various studies are now being conducted that should provide valuable data when completed. We believe a move from the current system to a new system on a temporary basis would be very disruptive to the industry, and implementing the system would place a significant strain on our current resources, particularly in such a short period of time as the ProPAC's proposal would require. Therefore, we continue to recommend no further changes at this

2. Beneficiary Liability for Hospital Outpatient Surgery (Recommendation 17)

Recommendation: The Secretary should modify the methodology used to determine Medicare Part B coinsurance for certain ambulatory surgery services performed in hospital outpatient departments. Currently, beneficiary coinsurance is based on hospital submitted charges. ProPAC believes that beneficiary coinsurance should be limited to 20 percent of the payment amount allowed by Medicare. The Medicare program should bear the costs of the change.

Response in the Proposed Rule: As was stated in our response to Recommendation 16, we oppose making any changes to the present payment system for ambulatory surgical services. Therefore, we would be unable to implement this ProPAC recommendation for the present time.

In addition, the present system pays in the aggregate for surgery performed in a hospital outpatient setting based on the lesser of cost or charges or a blend of a hospital-specific amount and the ASC payment amount. Because the system is based on payments in the aggregate, calculated upon retroactive settlement, it is not possible to determine the actual payment amount based on individual bills, as would be necessary to implement ProPAC's proposal. Therefore, we believe that no changes should be made at this time.

Comment: In its comments on the proposed rule, ProPAC reiterated its position that the Medicare program should assume responsibility for 80 percent of the payment amount, ProPAC

recommended that the method for calculating part B coinsurance for hospital outpatient surgery be modified.

Response: As we stated above, we recommend no change to the present payment system. This being the case, ProPAC's recommendation, which is based on a fully prospective payment system, would not apply under the present system. Under the present system, Medicare payment is not determined on an individual beneficiary basis but is made in the aggregate for all ASC beneficiary services furnished during the cost reporting period. Therefore, we will give this recommendation consideration after a prospective payment system for all outpatient services is in place.

VI. Other Required Information

A. Effective Dates

The effective date of this final rule (including the addendum and appendixes) is October 1, 1989.
However, the changes we are making to § 412.116 concerning special interim payments to hospitals not receiving PIP for unusually long lengths of stay are effective on September 1, 1989.

B. Waiver of 30-Day Delay in the Effective Date

We ordinarily provide for a 30-day delay in the effective date of a substantive final rule. However, if adherence to this procedure would be impractical, unnecessary, or contrary to public interest, we may waive the delay in the effective date. As discussed in detail in section IV.I. of this preamble, on January 21, 1988, we published a final rule with comment period that set forth, in part, the circumstances under which a prospective payment hospital could receive PIP payments for the services it furnishes. That rule implemented the provisions of section 9311(a) of Pub. L. 99-509, which effectively invalidated an August 15, 1986 final rule in which we had eliminated PIP for all hospitals except small rural hospitals.

Although the August 15, 1986 final rule had provided for a special interim payment to prospective payment hospitals not receiving PIP for unusually long stays, we did not make that same provision in the January 21, 1988 final rule. However, in this final rule, after consideration of the comments we received in response to the January 21, 1988 final rule concerning the special interim payment and because of the elimination of a day limitation on hospital inpatient services by section 101(b) of Pub. L. 100–360, we have decided to restore the special interim

payment to prospective payment hospitals not receiving PIP.

We have made this change effective on September 1, 1989, for all current qualifying inpatient hospitals admissions. If we were to provide a 30day delay in the effective date of these changes, hospitals experiencing these unusually long stays would be required to wait another 30 days before requesting a special interim payment and thus be deprived of the benefits of this change. Thus, a 30-day delay in effective date would be contrary to public interest. For these reasons, we find good cause to waive the normal 30day delay in effective date for the changes made to § 412.116.

C. Paperwork Reduction Act

This final rule does not impose information collection requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3511).

D. List of Subjects in 42 CFR Part 412

Health facilities, Medicare.

42 CFR part 412 is amended as set forth below:

Chapter IV-Health Care Financing Administration, Department of Health and **Human Services**

Subchapter B-Medicare Programs

PART 412—PROSPECTIVE PAYMENT SYSTEM FOR INPATIENT HOSPITAL SERVICES

A. The authority citation for part 412 continues to read as follows:

Authority: Secs. 1102, 1122, 1815(e), 1871, and 1886 of the Social Security Act (42 U.S.C. 1302, 1320a-1, 1395g(e), 1395hh, and 1395ww).

Subpart A-General Provisions

B. Subpart A is amended as follows:

§ 412.8 [Amended]

In § 412.8, paragraph (b)(4) is removed.

Subpart F-Payment for Outliers

C. Subpart F is amended as follows:

§ 412.84 [Amended]

In § 412.84(k), the phrase "and before October 1, 1989" is removed, and the cross reference to "paragraph (i)" is revised to read "paragraph (j)."

Subpart G-Special Treatment of **Certain Facilities**

D. Subpart G is amended as follows: 1. In § 412.92, the introductory text of paragraph (a) is republished; in

paragraph (a)(1), the introductory text of paragraph (a)(2), and paragraph (a)(2)(i), the number "50" is revised to read "35"; paragraph (a)(3) is revised; in paragraph (b)(1)(ii)(B), the number "50" is revised to read "35"; paragraph (b)(4)(iii) is revised; in the introductory text of paragraph (e)(3) and paragraph (e)(3)(i), the term "HCFA" is revised to read "the intermediary"; paragraph (e)(3)(ii) is revised; in paragraph (e)(3)(iii), the term "HCFA" is revised to read "the intermediary"; and, in paragraph (g)(6), the phrase, "beginning before October 1, 1989" is removed. The changes read as follows:

§ 412.92 Special treatment: Sole community hospitals.

(a) Criteria for classification as a sole community hospital. HCFA classifies a hospital as a sole community hospital if it is located in a rural area (as defined in § 412.62(f)), and meets one of the following conditions: * *

(3) The hospital is located between 15 and 25 miles from other like hospitals but because of local topography or periods of prolonged severe weather conditions, the other like hospitals are inaccessible for at least 30 days in each 2 out of 3 years.
(b) Classification procedures. * * *

(4) Cancellation of classification. * *

(iii) If a hospital requests that its sole community hospital classification be cancelled, it may not be reclassified as a sole community hospital unless it meets the following conditions:

(A) At least one full year has passed since the effective date of its

cancellation.

(B) The hospital meets the qualifying criteria set forth in paragraph (a) of this section in effect at the time it reapplies.

(e) Additional payments to sole community hospitals experiencing a significant volume decrease. *

(ii) The intermediary makes its determination within 180 days from the date it receives the hospital's request and all other necessary information.

2. In § 412.94, paragraph (b)(1) is revised and a new paragraph (b)(4) is added to read as follows:

§ 412.94 Special treatment: Cancer hospitals.

(b) Payment. (1) A hospital meeting the criteria in paragraph (a) of this section may elect, during its first cost reporting period subject to the

prospective payment system, to be paid on a reasonable cost basis under part 413 of this chapter (and under other regulations governing reasonable cost in subparts D and E of part 405 of this chapter), and subject to the rate of increase limit under § 413.40 of this chapter.

(4) A hospital that elects reasonable cost reimbusement is otherwise subject to the prospective payment system with respect to hospital inpatient services, as provided in § 412.20. The provisions in §§ 412.113 and 412.116 concerning payment for capital-related costs and method of payment for inpatient hospital services, respectively, are applicable to such a hospital.

3. In § 412.96, paragraph (f) is revised to read as follows:

§ 412.96 Special treatment: Referral centers.

(f) HCFA review of referral center status.-(1) General rule. The status of each hospital that is receiving a referral center adjustment is reviewed by the HCFA regional office every 3 years to determine if the hospital continues to meet the applicable criteria.

(2) Retention criteria. To retain referral center status, a hospital must meet the applicable criteria-

(i) In at least 2 of the last 3 years; or

(ii) For the current year.

(3) Cancellation of referral center status. If a hospital does not meet either of the retention criterion in paragraph (f)(2) of this section and no longer qualifies for a referral center adjustment, HCFA discontinues the adjustment beginning on the first day of the hospital's next cost reporting period. * * *

4. Section 412.106 is revised to read as follows:

§ 412.106 Special treatment: Hospitals that serve a disproportionate share of lowincome patients.

(a) General considerations. (1) The factors considered in determining whether a hospital qualifies for a payment adjustment include the number of beds, the number of patient days, and the hospital's location.

(i) The number of beds in a hospital is determined in accordance with

§ 412.118(b).

(ii) The number of patient days includes only those days attributable to areas of the hospital that are subject to the prospective payment system and excludes all others.

(iii) The hospital's location, in an urban or rural area, is determined in accordance with the definitions in § 412.62(f).

(2) The payment adjustment is applied to the hospital's total DRG revenues.

(i) A hospital's total DRG revenues are determined on the basis of DRGadjusted prospective payment rates or, for transition period payments, on the basis of the Federal portion of the hospital's payment rates.

(ii) For purposes of this section, total DRG revenues include outlier payments under Subpart F of this part, but exclude additional payments made under this subpart or under § 412.118 for indirect medical education costs.

(b) Determination of a hospital's disproportionate patient percentage—(1) General rule.

A hospital's disproportionate patient percentage is determined by adding the results of two computations and expressing that sum as a percentage.

(2) First computation: Federal fiscal year. For each month of the Federal fiscal year in which the hospital's cost reporting period begins, HCFA-

(i) Determined the number of covered patient days that-

(A) Are associated with discharges occurring during each month; and

(B) Are furnished to patients who during that month were entitled to both Medicare Part A and SSI, excluding those patients who received only State supplementation;

(ii) Adds the results for the whole

period; and

(iii) Divides the number determined under paragraph (b)(2)(ii) of this section by the total number of patient days

(A) Are associated with discharges that occur during that period; and

(B) Are furnished to patients entitled

to Medicare Part A.

(3) First computation: Cost reporting period. If a hospital prefers that HCFA use its cost reporting period instead of the Federal fiscal year, it must furnish its intermediary, in machine-readable format as prescribed by HCFA, data on its Medicare part A patients for its cost reporting period.

(4) Second computation. The fiscal intermediary determines, for the hospital's cost reporting period, the number of patient days furnished to patients entitled to Medicaid but not to Medicare part A, and divides that number by the total number of patient

days in that same period.

(5) Disproportionate patient percentage. The intermediary adds the results of the first computation made under either paragraph (b)(2) or (b)(3) of this section and the second computation made under paragraph (b)(4) of this section and expresses that sum as a

percentage. This is the hospital's disproportionate patient percentage, and is used in paragraph (c) of this section.

(c) Criteria for classification. A hospital is classified as a "disproportionate share" hospital under any of the following circumstances:

(1) The hospital's disproportionate patient percentage, as determined under paragraph (b)(5) of this section, is at least equal to one of the following:

(i) 15 percent, if the hospital is located in an urban area and has 100 or more beds, or is located in a rural area and has 500 or more beds.

(ii) 40 percent, if the hospital is located in an urban area and has fewer

than 100 beds.

(iii) 45 percent, if the hospital is located in a rural area and has fewer than 500 beds.

(2) The hospital is located in an urban area, has 100 or more beds, and can demonstrate that, during its cost reporting period, more than 30 percent of its net inpatient care revenues are derived from State and local government payments for care furnished to indigent patients.

(d) Payment adjustment—(1) Method of adjustment. If a hospital serves a disproportionate number of low-income patients, its total DRG revenues are increased by an adjustment factor as specified in paragraph (d)(3) of this

(2) Effective dates for payment adjustment. Payment adjustment under this section is effective for discharges that occur on or after May 1, 1986 (October 1, 1988 for rural hospitals with 500 or more beds) and before October 1,

(3) Payment adjustment factors. (i) If the hospital meets the criteria of paragraph (c)(1)(i) of this section, the payment adjustment factor is 2.5 percent, plus one-half the difference between the hospital's disproportionate patient percentage and 15 percent.

(ii) If the hospital meets the criteria of paragraph (c)(1)(ii) of this section, the payment adjustment factor is 5 percent

(iii) If the hospital meets the criteria of paragraph (c)(1)(iii) of this section, the payment adjustment factor is 4 percent

(iv) If the hospital meets the criteria of paragraph (c)(2) of this section, the payment adjustment factor is 25 percent.

Subpart H-Payments to Hospitals **Under the Prospective Payment** System

E. Subpart H is amended as follows: 1. In § 412.116, paragraphs (d) and (e) are redesignated as paragraph (e) and (f), respectively, and a new paragraph (d) is added to read as follows:

§ 412.116 Method of payment.

(d) Special interim payment for unusually long lengths of stay .- (1) First interim payment. A hospital that is not receiving periodic interim payments under paragraph (b) of this section may request an interim payment after a Medicare beneficiary has been in the hospital at least 60 days. Payment for the interim bill is determined as if the bill were a final discharge bill and includes any outlier payment determined as of the last day for which services have been billed.

(2) Additional interim payments. A hospital may request additional interim payments at intervals of at least 60 days after the date of the first interim bill submitted under paragraph (d)(1) of this section. Payment for these additional interim bills, as well as the final bill, is determined as if the bill were the final bill with appropriate adjustments made to the payment amount to reflect any previous interim payment made under the provisions of this paragraph (d).

§412.118 [Amended]

2. In § 412.118, in paragraphs (c)(1), (c)(2), (d)(1), and (d)(2), the phrase "October 1, 1990" is revised to read "October 1, 1995".

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare-Hospital Insurance)

Dated: August 15, 1989.

Louis B. Hays,

Acting Administrator, Health Care Financing Administration.

Approved: August 25, 1989.

Louis W. Sullivan,

Secretary.

Editorial Note: The following addendum and appendixes will not appear in the Code of Federal Regulations.

ADDENDUM-SCHEDULE OF STANDARDIZED AMOUNTS EFFECTIVE WITH DISCHARGES ON OR AFTER OCTOBER 1, 1989 AND UPDATE FACTORS AND TARGET RATE PERCENTAGES **EFFECTIVE WITH COST REPORTING** PERIODS BEGINNING ON OR AFTER **OCTOBER 1, 1989**

I. Summary and Background

In this addendum, we are making changes in the amounts and factors for determining prospective payment rates for Medicare inpatient hospital services. We are also setting forth new target rate percentages for determining the rate-ofincrease limits (target amounts) for hospitals and hospital units excluded from the prospective payment system.

For hospital cost reporting periods beginning on or after October 1, 1989, except for sole community hospitals and hospitals located in Puerto Rico, each hospital's payment per discharge under the prospective payment system will be comprised of 100 percent of the Federal rate. Except for hospitals affected by the regional floor, the Federal rate is based on 100 percent of the national rate.

Sole community hospitals are to be paid on the basis of a rate per discharge composed of 75 percent of the hospitalspecific rate and 25 percent of the applicable Federal regional rate (section 1886(d)(5)(C)(ii) of the Act). Hospitals in Puerto Rico are paid on the basis of a rate per discharge composed of 75 percent of a Puerto Rico rate and 25 percent of a national rate (section 1886(d)(9)(A) of the Act). Hospitals affected by the regional floor are paid on the basis of 85 percent of the Federal national rate and 15 percent of the Federal regional rate.

As discussed below in section II, we are making changes in the determination of the prospective payment rates. The changes, to be applied prospectively, will affect the calculation of the Federal rates. Section III sets forth our changes for determining the rate-of-increase limits for hospitals excluded from the prospective payment system. The tables to which we refer in the preamble to the final rule are presented at the end of this addendum in section IV.

H. Changes to Prospective Payment Rates for Hospitals for FY 1990

The basic methodology for determining prospective payment rates is set forth at § 412.63 for hospitals located outside of Puerto Rico. The basic methodology for determining the prospective payment rates for hospitals located in Puerto Rico is set forth at §§ 412.210 and 412.212. Below we discuss the manner in which we are changing some of the factors used for determining the prospective payment rates. The Federal and Puerto Rico rate changes, once issued as final, will be effective with discharges occurring on or after October 1, 1989. As required by section 1886(d)(4)(C) of the Act, we must adjust the DRG classifications and weighting factors for discharges in FY 1990.

In summary, the standardized amounts set forth in Tables 1a, 1b, and 1c of section IV of this addendum

- · Adjusted to ensure budget neutrality as provided in section 1886(d)(8)(D) of the Act;
- Adjusted by the revised urban and rural outlier offsets; and

- · Updated by 5.5 percent (that is, the market basket percentage increase).
- A. Calculation of Adjusted Standardized
- 1. Standardization of Base-Year Costs or Target Amounts

Section 1886(d)(2)(A) of the Act required the establishment of base-year cost data containing allowable operating costs per discharge of inpatient hospital services for each hospital. The preamble to the interim final rule, published September 1, 1983 (48 FR 39763), contains a detailed explanation of how base-year cost data were established in the initial development of standard amounts for the prospective payment system and how they are used in computing the Federal rates.

Section 1886(d)(9)(B)(i) of the Act required that Medicare target amounts be determined for each hospital located in Puerto Rico for its cost reporting period beginning in FY 1987. The September 1, 1987 final rule contains a detailed explanation of how the target amounts were determined and how they are used in computing the Puerto Rico

rates (52 FR 33043, 33066).

The standardized amounts are based on per discharge averages of adjusted hospital costs or, for Puerto Rico, adjusted target amounts, from a base period, updated and otherwise adjusted in accordance with the provisions of section 1886(d) of the Act. Sections 1886 (d)(2)(C) and (d)(9)(B)(ii) of the Act required that the updated base-year per discharge costs and, for Puerto Rico, the updated target amounts, respectively, be standardized in order to remove from the cost data the effects of certain sources of variation in cost among hospitals. These include case mix, differences in area wage levels, cost of living adjustments for Alaska and Hawaii, indirect medical education costs, and payments to hospitals serving a disproportionate share of low-income patients.

Since all adjustments for variation in hospital operating costs or target amounts have already been accounted for consistent with the construction of the standardized amounts, no revision was made at the hospital level for those factors. That is, the adjustments for differences in case mix, wages, cost-ofliving, indirect medical education costs, and payments to hospitals serving a disproportionate share of low-income patients reflected in the FY 1990 standardized amounts are identical to those reflected in the current (FY 1989) standardized amounts.

2. Computing Urban and Rural Averages Within Geographic Areas

In determining the prospective payment rates for FY 1984, section 1886(d)(2)(D) of the Act required that the average standardized amounts be determined for hospitals located in urban and rural areas of the nine census divisions and the nation. Under section 1886(d)(9)(B)(iii) of the Act, the average standardized amount per discharge for FY 1988 must be determined for hospitals located in urban and rural areas in Puerto Rico.

For FY 1990, except for hospitals in Puerto Rico and those hospitals that are affected by the regional floor, the Federal rates will be comprised of 100 percent of the national rate (section 1886(d)(1)(A)(iii) of the Act). The Federal rate for hospitals affected by the regional floor is based on 85 percent of the national rate and 15 percent of the regional rate. Section 1886(d)(5)(C)(ii) of the Act specifies that a sole community hospital's Federal rate is based on 100 percent of the regional rate. Hospitals in Puerto Rico are paid a blend of 75 percent of the applicable Puerto Rico standardized amount and 25 percent of a national standardized payment amount.

Section 4002(c)(1) of the Omnibus Budget Reconciliation Act of 1987 (Pub. L. 100-203) amended section 1886(d)(3) of the Act to require the Secretary to compute three average standardized amounts for discharges occurring in a fiscal year beginning on or after October 1, 1987: one for hospitals located in rural areas; one for hospitals located in large urban areas; and one for hospitals located in other urban areas. Section 4002(b) of Pub. L. 100-203 amended section 1886(d)2)(D) of the Act to define a "large urban area" as an urban area with a population of more than 1,000,000. In addition, section 4009(i) of Pub. L. 100-203 provides that a New England County Metropolitan Area (NECMA) with a population of more than 970,000 is classified as a large urban area. As required by section 1886(d)(2)(D) of the Act, population size is determined by the Secretary based on the latest population data published by the Bureau of the Census. Under that section as now amended, urban areas that do not meet the definition of a "large urban area" are referred to as "other urban areas."

Based on 1987 population estimates published by the Bureau of the Census, the current 46 large urban areas continue to meet the criteria to be defined as large urban areas for FY 1990. A list of those areas was set forth in a

notice published on April 5, 1988 at 53 FR 11138. In addition, these areas are identified by an asterisk in Tables 4a and 4c as set forth in section IV of this addendum. No additional areas were identified. Therefore, we are making no change in these areas for purposes of this final rule.

Table 1a contains the three national standardized amounts that would be applicable to most hospitals. Table 1b sets forth the 27 regional standardized amounts that would be applicable to sole community hospitals and to hospitals subject to the regional floor. Under section 1886(d)(9)(A)(ii) of the Act, the national standardized payment amount applicable to hospitals in Puerto Rico consists of the discharge-weighted average of the national rural standardized amount, the national large urban standardized amount, and the national other urban standardized amount (as set forth in Table 1a). The national average standardized amount for Puerto Rico is set forth in Table 1c. This table also includes the three standardized amounts that would be applicable to most hospitals in Puerto

The methodology for computing the national average standardized amounts is identical to the methodology for determining the regional amounts.

We stated in the addendum to the proposed rule that the Office of Management and Budget (OMB) may announce revised listings of the Metropolitan Statistical Area (MSA) and NECMA designations that are used in calculating the standardized amounts. We noted that if OMB makes the announcement before we issue the final rule, we would list the revised MSA/ NECMA designations in the addendum to the final rule. Consistent with Medicare policy and our regulations at § 412.63(b)(4), any changes in designation are effective for discharges occurring on or after October 1, 1989.
Since publication of the proposed rule,

Since publication of the proposed rule, OMB has announced a new MSA, Jamestown-Dunkirk, NY, which comprises the county of Chatauqua and has Jamestown and Dunkirk as its central cities. We have incorporated this change in the final wage index set forth in Tables 4a, 4b, and 4c in the addendum to this final rule.

3. Updating the Average Standardized Amounts

In accordance with section 1886(d)(3)(A) of the Act, we are updating the large urban, other urban, and rural average standardized amounts and the hospital-specific rate (which applies only to sole community hospitals) using the applicable percentage increase

specified in section 1838(b)(3)(B)(i) of the Act. The percentage increase to be applied is mandated under that section of the law as the estimated percentage increase in the hospital market basket for hospitals located in all areas. The percentage change in the market basket reflects the average change in the price of goods and services purchased by hospitals to furnish inpatient care. The most recent forecasted hospital market basket increase and, thus, the applicable percentage increase for FY 1990 is 5.5 percent.

The 5.8 percent market basket rate of increase set forth in the proposed rule was based on the February 1989 hospital input price forecasts. However, the August 1989 forecasts indicate a decline in the projected FY 1990 hospital market basket index for the February forecasts. The components of the market basket in which the most significant changes have occurred between the two forecasts include pharmaceuticals, which increased by 0.1 percent, and malpractice insurance, which decreased by 0.3 percent. We note that the decrease in the malpractice insurance forecast occurred because the hospital insurance industry is experiencing a deceleration in malpractice insurance premium increases. Malpractice insurance premiums are now forecasted to increase at a lower rate (three to four percent) than in the February forecast. We also note that the forecast for the main component of the hospital market basket, wages and salaries, remained essentially unchanged from the previous forecast.

Although the update factor for FY 1990 is set by law, we were required by section 1886(e)(3)(B) of the Act to report to Congress no later than March 1, 1989 on our initial recommendation of update factors for FY 1990 for both prospective payment hospitals and hospitals excluded from the prospective payment system. For general information purposes, we published this report as appendix B of the proposed rule. Our final recommendation on the update factors (which is required by sections 1886 (e)(4) and (e)(5)(A) of the Act) is set forth as appendix B of this final rule.

Comment: One commenter stated that the hospital market basket does not accurately reflect the true economic expenses incurred by hospitals since nonhospital wages are included in the labor component of the market basket.

Response: The rebased hospital market basket was established in FY 1987, and we have not proposed any changes to the market basket forecasting methodology for FY 1990. The methodology we used to forecast the market basket inflation for FY 1990

is consistent with that outlined in the September 3, 1986 final rule (51 FR 31461). We do not believe it is appropriate to make changes to specific market basket components without also examining all of the other components of the market basket. While changing the proxy measures used in the wage component of the market basket may result in a higher inflation forecast for that component, it is also possible that further analysis of the appropriateness of the forecasting measures used in the other components of the market basket could result in lower forecasts being developed. Therefore, we do not believe it is appropriate to adopt changes to various components of the market basket and that any revisions should be made only in conjunction with a complete rebasing of the market basket. Absent rebasing, we believe it is important that the model we use in developing the market basket forecasts be carried forward over a period of years so that forecasts will be consistent from year to year.

We agree that the issue of appropriate wage proxies warrants further consideration. We are planning to include a rebased hospital market basket as a part of the proposed rule concerning changes in the inpatient hospital prospective payment system for FY 1991. We will consider options for revising the market basket components as part of that process.

4. Other Adjustments to the Average Standardized Amounts

a. Indirect Medical Education. Section 1886(d)(3)(C)(ii) of the Act provides that, effective for discharges occurring on or after October 1, 1986, the average standardized amounts be further reduced, taking into consideration the effects of the standardization for indirect medical education costs as described in section II.A.1. of this addendum. The required adjustment is to ensure that the program savings that would be achieved through standardizing for indirect medical education on one basis and computing indirect medical education payments on another basis are preserved.

The first such adjustment was implemented for the standardized amounts effective October 1, 1986. (See the September 3, 1986 final rule (51 FR 31521).) Since section 1886(d)(3)(C)(ii) of the Act, as amended by section 4003(a)(2) of Pub. L. 100–203, required a revision of the adjustment due to the reduction of the adjustment factor for computing indirect medical education payments effective October 1, 1988, we made a further adjustment to the

standardized amounts effective October 1, 1988 to achieve the incremental savings that resulted from that reduction in indirect medical education payments. See the September 30, 1988 final rule (53 FR 38539) for the factors used to make this adjustment. Since there has been no change in the indirect medical education factor for FY 1990, we are not proposing to make any further adjustment to the standardized amounts for FY 1990.

b. Rural Hospitals Deemed to be Urban. Section 1886(d)(8)(B) of the Act provides that certain rural hospitals are deemed urban effective with discharges occurring on or after October 1, 1988. Section 1886(d)(8)(C) of the Act, as added by section 8403(a) of the Technical and Miscellaneous Revenue Act of 1988 (Pub. L. 100-647), specifies that if the wage index values applicable to MSAs that are now deemed to include certain rural hospitals and to the rural areas in which those hospitals are actually located were reduced because of the provisions of section 1886(d)(8)(B) of the Act, those wage index values must be recalculated as if that section. had not been enacted. A separate wage index value is calculated for each of the affected counties (that is, those rural counties whose hospitals are deemed urban).

Section 1886(d)(8)(D) of the Act specifies two payment conditions that must be met. First, the FY 1990 urban standardized amounts are to be adjusted so as to ensure that total aggregate payments under the prospective payment system after implementation of the provisions of sections 1886(d)(8)(B) and (C) of the Act are equal to the aggregate prospective payments that would have been made absent these provisions. That is, the additional payments to those rural hospitals that have been deemed urban must be financed through a reduction in the urban standardized amounts. Second. the rural standardized amounts are to be adjusted to ensure that aggregate payments to rural hospitals not affected by these provisions neither increase nor decrease as a result of implementation of these provisions. That is, aggregate payments to those rural hospitals that have not been deemed urban should not change as a result of these provisions. The following budget neutrality adjustment factors were applied to the proposed standardized amounts: Urban-.99943; Rural-1.00030

After further analysis of the effect of payments to rural hospitals as a result of the implementation of section 1886(d)(8)(C) of the Act, we noted inaccuracies in our computation of the

proposed budget neutrality adjustment applicable to rural hospitals.

The provisions of section 1886(d)(8)(C) of the Act essentially restore the wage index values for those rural areas negatively impacted by the redesignation of certain rural hospitals previously included in the computation of those areas' rural wage index values. Thus, with implementation of this section, there is no effect on aggregate payments to those rural hospitals. However, hospitals in rural areas that experienced increases in their wage index values when the affected counties were redesignated under section 1886(d)(8)(B) of the Act are allowed to retain those higher values. The net effect of the enactment of sections 1886(d)(8)(B) and (C) of the Act is to increase aggregate payments to rural hospitals over those prior to implementation of these provisions. Therefore, in order to achieve budget neutrality, a decrease in the rural rates would be required to offset the additional payments to rural hospitals whose wage index values have increased. Through an oversight in the methodology used in developing the proposed budget neutrality factor, the rural rates were not adjusted to meet this requirement.

In addition, we incorrectly included rural referral centers not located in redesignated counties with rural hospitals. Since rural referral centers are paid the other urban rate, their payments were reduced by the budget neutrality factor applied to the urban rates. In effect, the methodology we used to calculate the proposed budget neutrality factor applicable to the rural rates would have compensated other rural hospitals for a reduction in payments that they will not incur. Therefore, rural referral centers not located in redesignated counties have been included with urban hospitals for the purpose of the budget neutrality computation. This methodological change has a negligible effect on rural referral centers.

The following adjustment factors were applied to the final standardized amounts: Urban—.99940; Rural—.99925.

c. Outliers. Section 1886(d)[5](A) of the Act requires that, in addition to the basic prospective payment rates, payments must be made for discharges involving day outliers and may be made for cost outliers. Section 1886(d)[3](B) of the Act correspondingly requires that the urban and rural standardized amounts, respectively, be separately reduced by the proportion of estimated total DRG payments attributable to estimated outlier payments for hospitals

located in urban areas and those located in rural areas. Section 1886(d)(9)(B)(iv) of the Act requires that the urban and rural standardized amounts be reduced by the proportion of estimated total payments made to hospitals in Puerto Rico attributable to estimated outlier payments.

Consequently, instead of a uniform reduction factor applying equally to all the standardized amounts, there are two separate reduction factors, one applicable to the urban national and regional standardized amounts and the other applicable to the rural national and regional standardized amounts. Furthermore, sections 1886(d)(5)(A)(iv) and 1886(d)(9)(i) of the Act direct that outlier payments may not be less than five percent nor more than six percent of total payments projected to be made based on the prospective payment rates

in any year.

In the September 30, 1988 final rule, we set the outlier thresholds so as to result in estimated outlier payments (prior to consideration of the additional covered days that will result from the elimination of a day limitation on Medicare inpatient hospital services under section 101 of the Medicare Catastrophic Coverage Act of 1988 (Pub. L. 100-360)) equal to 5.1 percent of total prospective payments. We also set the same outlier thresholds and offsets for the Puerto Rico prospective payment standardized amounts as we had for hospitals located outside Puerto Rico. Because certain changes we made to the outlier policy were not effective until November 1, 1988, we had two sets of outlier thresholds for FY 1989. For discharges on or after October 1, 1988 and before November 1, 1988, the day outlier threshold is the geometric mean length of stay for each DRG plus the lesser of 22 days or 2.0 standard deviations and the cost outlier threshold is the greater of 2.0 times the prospective payment rate for the DRG or \$23,750. For discharges on or after November 1, 1988, the day outlier threshold is the geometric mean length of stay for each DRG plus the lesser of 24 days or 3.0 standard deviations and the cost outlier threshold is the greater of 2.0 times the prospective payment rate for the DRG or \$28,000. The outlier adjustments for FY 1989 were .9437 for the urban rates and .9777 for the rural

We proposed to continue to set the outlier thresholds so as to result in estimated outlier payments equal to 5.1 percent of total prospective payments. Therefore, for FY 1990, we proposed to set the day outlier threshold at the geometric mean length of stay for each

DRG plus the lesser of 27 days or 3.0 standard deviations and the cost outlier threshold at the greater of 2.0 times the prospective payment rate for the DRG or

The proposed outlier adjustment factors for FY 1990 were as follows: Urban-.943686; Rural-.977958.

In this final rule, we have continued to set the outlier thresholds so as to result in estimated outlier payments equal to 5.1 percent of total prospective payments. Therefore, for FY 1990, the day outlier threshold is the geometric mean length of stay for each DRG plus the lesser of 28 days or 3.0 standard deviations and the cost outlier threshold at the greater of 2.0 times the prospective payment rate for the DRG or \$34,000.

The final outlier adjustment factors for FY 1990 are as follows: Outlier Reduction Factors-Urban-.9436; Rural-.9782.

The 5.1 percent projection of outlier payments is based on covered days in the FY 1988 MEDPAR file and does not reflect the increase in outlier payments that will occur in FY 1990 as a result of the elimination of the day limitation on Medicare inpatient hospital services under section 101 of Pub. L. 100-360. Based on FY 1988 data currently available regarding noncovered days of hospital care furnished to Medicare beneficiaries under the benefit structure in effect prior to the effective date of Pub. L. 100-360, we estimate that outlier payment for the additional days of covered care will be about 1.3 percent of total DRG payments. By making an average 5.1 percent offset to the standardized amount in 1990 instead of the 6.4 percent that will actually be paid, we are ensuring that the additional benefits from Pub. L. 100-360 are financed out of additional Federal monies rather than through the updated standardized amounts and outlier funds. For a more detailed explanation of this adjustment made to account for the effect of section 101 of Pub. L. 100-360, see the September 30, 1988 final rule (53 FR 38519). In that rule, we requested comments on the methodology we were using to take the effects of section 101 of Pub. L. 100-360 into account. We are developing a final rule to respond to the comments received from the public; however, we are using the same methodology in FY 1990 as was used to make the adjustment in FY 1989.

Table 8 of section IV of this addendum updates the Statewide average cost-to-charge ratios for urban hospitals and for rural hospitals to be used in calculating cost outlier payments for those hospitals for which the intermediary is unable to compute a

reasonable hospital-specific cost-tocharge ratio. Effective October 1, 1989, these Statewide average ratios replace the ratios published in the September 30, 1988 final rule (53 FR 38628). These average ratios will be used to calculate cost outlier payments for those hospitals for which the intermediary computes cost-to-charge ratios lower than 0.36 or greater than 1.23. This range represents 3.0 standard deviations (plus or minus) from the mean of the log distribution of cost-to-charge ratios for all hospitals. These revised parameters will be applied to all updates to hospitalspecific cost-to-charge ratios based on cost report settlements occurring during FY 1990.

Comment: Several commenters objected to the current outlier thresholds and the split between cases paid using the cost outlier methodology and cases paid using the day outlier methodology. One commenter urged that we alter our outlier policy to favor cost outliers. Another commenter suggested that we

favor day outliers.

Response: As we noted in the September 30, 1988 final rule (53 FR 38504), the 60 percent cost and 40 percent day outlier split results from the methodology used to pay the outlier cases and not on the threshold criteria. The percentage of payments for day outliers under the current outlier policy has increased relative to those under the policy in effect prior to FY 1989 since high cost day outlier cases are now paid using the cost outlier methodology. Further, we believe that the current outlier policy is still relatively new (it was implemented on November 1, 1988), and that more data are needed to analyze its impact. We will analyze these data as we receive them and reexamine our outlier policy if any adverse effects are detected.

The outlier thresholds essentially maintain the current outlier payment split with 34 percent of cases being paid using the cost outlier methodology and 66 percent using the day outlier methodology. We note that 14 percent of total outlier cases would meet the day outlier threshold but would be paid using the cost outlier methodology because it yields the higher payment. Our simulation of FY 1990 outlier payments based on FY 1988 Medicare provider analysis and review file (MEDPAR) data indicates that the percentage of cases that qualify as day

cutliers is about 80 percent.

The cases qualifying as day outliers are expected to receive 84 percent of outlier payments in FY 1990. An estimated 20 percent of outlier cases would be cost-only outlier cases, which are expected to receive about 16 percent of outlier payments. The following table illustrates this finding in greater detail:

Type of outlier	Percent- age of outlier cases	Percent- age of outlier payments
Meets day threshold only Meets day and cost thresholds, paid using day	56	28.3
methodology	10	17.9
olds, paid using day methodology	14	37.8
dev threshold	80	84
Meets cost threshold only	20	16
Total	100	100

Comment: Several commenters suggested that the size of the outlier payment pool be increased from 5.1 percent to the legal maximum of 6 percent so that the outlier thresholds could be lowered. Other commenters wanted to maintain the 5.1 percent pool. Still other commenters, while in favor of an increase in the outlier pool, suggested that it be done with no corresponding additional offsets to the prospective payment rates.

Response: Increasing the size of the outlier pool to six percent in order to reduce the outlier thresholds would increase the number of outlier cases, but it would also proportionately reduce the basic payment for all cases. In addition, as we have noted in previous prospective payment rules (most recently at 53 FR 38505; September 30, 1988), our research indicates that increasing the outlier pool to six percent would cause only a marginal decrease in the risk faced by hospitals under the prospective payment system. We continue to believe that it is desirable at this time to maintain a smaller outlier pool than the maximum six percent because it allows proportionately greater payment for typical cases.

If we were to increase the outlier pool from 5.1 percent to 8 percent without making a corresponding adjustment to the payment rates, we would be adding program funds to the prospective payment system above and beyond the update factor and, in doing so, would violate the restriction that outlier thresholds be set so as to ensure equality between outlier offsets and projected outlier payment, as required under the current law. Section 1886(d)(3)(B) of the Act mandates that outlier payments be financed out of the total payments made under the prospective payment system. Therefore, any increase in the amount of outlier payments will necessarily reduce funds available for typical cases.

Comment: A few commenters suggested that in fiscal years in which outlier payments have fallen short of the outlier reserve, these undisbursed funds should be paid to the hospitals.

Response: We have responded to similar comments in the September 3, 1986 final rule (52 FR 31525), the September 1, 1987 final rule (52 FR 33048), and the September 30, 1988 final rule (53 FR 38508). We are required by section 1886(d)(5)(A) of the Act to estimate, using the most recent data available, what the level of the outlier thresholds should be in order to yield the proper total amount of outlier payments. We believe we have consistently met our statutory obligation to ensure that the rate offsets used to finance outlier payments were equal to the estimated proportion of total prospective payments for outliers. We have used the most recent Medicare discharge data available to estimate total prospective payments and outlier payments as a percentage thereof. This is necessarily a prospective process and the resulting estimate may be inaccurate based on later data. We do not believe that payment or recoupment of outlier monies based on retrospective adjustments to the thresholds would be appropriate.

Although we overestimated the outlier pool in the first years of the prospective payment system and thus underestimated outlier payments, this has not been the case for the last few years. Based on the most recent billing data, we estimate that in FY 1988 outlier payments represented 6.7 percent of total prospective payment system payments which is 1.7 percent higher than the 5.0 percent outlier pool established for that year. We believe this discrepancy between outlier payments and the outlier pool resulted from the fact that the outlier thresholds established for FY 1988 assumed a 2.7 percent update to the prospective payment rates. However, this update was in effect for only 132 days of FY 1988 and was subsequently revised by the provisions of sections 4002 of Pub. L. 100-203. For FY 1989, we estimate that outlier payments will represent approximately 5.9 percent of total prospective payment system payments and will exceed the outlier pool of 5.1 percent by about 0.8 percent. If we were to make retroactive adjustments for incorrect outlier pool estimates as the commenters suggested, we would now be making reductions in prospective payments.

B. Adjustments for Area Wage Levels and Cost-of-Living

This section contains an explanation of the application of two types of adjustments to the adjusted standardized amounts that will be made by the intermediaries in determining the prospective payment rates as described in section II.D. of this addendum. For discussion purposes, it is necessary to present the adjusted standardized amounts divided into labor and nonlabor portions. Tables 1a, 1b, and 1c, as set forth in this addendum, contain the actual labor-related and nonlaborrelated shares that will be used to calculate the prospective payment rates for hospitals located in the 50 States, the District of Columbia, and Puerto Rico.

1. Adjustment for Area Wage Levels

Sections 1886(d)(2)(H) and 1886(d)(9)(C)(iv) of the Act require that an adjustment be made to the laborrelated portion of the prospective payment rates to account for area differences in hospital wage levels. This adjustment is made by the intermediaries by multiplying the labor-related portion of the adjusted standardized amounts by the appropriate wage index for the area in which the hospital is located. In section III of the preamble to this final rule, we discuss certain revisions we are making to the wage index. This index is set forth in Tables 4a, 4b, and 4c of this addendum

2. Adjustment for Cost of Living in Alaska and Hawaii

Section 1886(d)(5)(C)(iv) of the Act authorizes an adjustment to take into account the unique circumstances of hospitals in Alaska and Hawaii. Higher labor-related costs for these two States are taken account of in the adjustment for area wages above. For FY 1990, the adjustment necessary for nonlabor-related costs for hospitals in Alaska and Hawaii will be made by the intermediaries by multiplying the nonlabor portion of the standardized amounts by the appropriate adjustment factor contained in the table below.

TABLE OF COST-OF-LIVING ADJUSTMENT FACTORS, ALASKA AND HAWAII HOSPITALS

Alaska—All areas	1.25
Hawaii:	West.
Oahu	1,225
Kauai	1.175
Maui	1.20
Molokai	1.20
Lanai	1.20
Hawaii	1.15

(The above factors are based on data obtained from the U.S. Office of Personnel Management.)

C. DRG Weighting Factors

As discussed in section II of the preamble to this final rule, we have developed a classification system for all hospital discharges, sorting them into DRGs, and have developed weighting factors for each DRG that are intended to reflect the resource utilization of cases in each DRG relative to that of the average Medicare case.

Table 5 of section IV of this addendum contains the weighting factors that we will use for discharges occurring in FY 1990. These factors have been recalibrated as explained in section II.C. of the preamble to this final rule.

D. Calculation of Prospective Payment Rates for FY 1990

General Formula for Calculation of Prospective Payment Rates for FY 1990 Prospective Payment Rate for all hospitals located outside Puerto Rico except sole community hospitals=Federal Portion

Prospective Payment Rate for Sole Community Hospitals=75 percent of the hospital-specific portion + 25 percent of

Federal portion
Prospective Payment Rate for Puerto Rico
Hospitals=75 percent of the Puerto Rico
rate + 25 percent of a dischargeweighted average of the large urban,
other urban, and rural national rates

1. Federal Portion

For discharges on or after October 1. 1989 and before October 1, 1990, except for sole community hospitals and hospitals located in Puerto Rico, the hospital's rate is comprised exclusively of the Federal rate. The Federal rate is comprised of 100 percent of the Federal national rate except for those hospitals located in Census regions that have a regional rate that is higher than the national rate. The Federal rate for these hospitals equals 85 percent of the Federal national rate and 15 percent of the Federal regional rate. For discharges occurring on or after October 1, 1989 and before October 1, 1990, rural hospitals in regions I, II, III, and IV and urban and large urban hospitals in regions I, IV, and VI are affected by the regional floor. For sole community hospitals, the 25 percent Federal portion is based entirely on the Federal regional rate. The Federal rates are determined as follows:

Step 1—Select the appropriate regional or national adjusted standardized amount considering the type of hospital and designation of the hospital as large urban, other urban, or rural (see Tables 1a and 1b, section IV of this addendum).

Step 2—Multiply the labor-related portion of the standardized amount by the applicable wage index for the geographic area in which the hospital is located (see Tables 4a, 4b, and 4c, section IV of this addendum).

Step 3—For hospitals in Alaska and Hawaii, multiply the nonlabor-related portion of the standardized amount by the appropriate cost-of-living adjustment factor.

Step 4—Sum the amount from step 2 and the nonlabor portion of the

standardized amount (adjusted if appropriate under step 3).

Step 5—Multiply the final amount from step 4 by the weighting factor corresponding to the appropriate DRG (see Table 5, section IV of this addendum).

Step 6—For sole community hospitals, multiply the result in step 5 by 25 percent. The result is the Federal portion of the FY 1990 prospective payment for a given discharge for a sole community hospital.

2. Hospital-Specific Portion (Applicable Only to Sole Community Hospitals)

The hospital-specific portion of the prospective payment rate is based on a hospital's historical cost experience. For the first cost reporting period under prospective payment, a hospital-specific rate was calculated for each hospital, derived generally from the following formula:

Base year costs per discharge

1981 case-mix index

× update factor = Hospital-specific rate

For sole community hospitals, the hospital-specific portion equals 75 percent of the hospital-specific rate for all cost reporting periods beginning on or after October 1, 1983. For each subsequent cost reporting period, the hospital-specific portion is derived as follows:

Hospital-Specific Rate \times Update Factor \times DRG Weight \times .75.

For a more detailed discussion of the hospital-specific portion, we refer the reader to the September 1, 1983 interim final rule (48 FR 39772).

a. Updating the Hospital-Specific Rates for FY 1990 Cost Reporting Periods. For cost reporting periods beginning on or after October 1, 1989, we are increasing the hospital-specific rates by 5.5 percent (the market basket percentage increase) for hospitals located in all areas. As required by section 1886(b)(3)(B) of the Act, this is the same percentage increase by which we are increasing the Federal rates for FY 1990.

b. Calculation of Hospital-Specific Portion. For sole community hospital cost reporting periods beginning on or after October 1, 1989 and before October 1, 1990, the hospital-specific portion of a hospital's payment for a given discharge is calculated by—

Step 1—Multiplying the hospital's hospital-specific rate for the preceding cost reporting period by the applicable update factor (that is, 5.5 percent);

Step 2—Multiplying the amount resulting from Step 1 by the specific DRG weighting factor applicable to the discharge; and

Step 3—Multiplying the result in step 2 by 75 percent. (The result is the hospital-specific portion of the FY 1990 prospective payment for a given discharge for a sole community hospital. The prospective payment rate is the sum of this amount and the 25 percent

Federal portion, which is based entirely on the Federal regional rate.)

3. General Formula for Calculation of Prospective Payment Rates for Hospitals Located in Puerto Rico Beginning On or After October 1, 1989 and Before October 1, 1990

a. Puerto Rico Rate. Puerto Rico prospective payment rate is determined as follows:

Step 1—Select the appropriate adjusted average standardized amount considering the large urban, other urban, or rural designation of the hospital (see Table 1c, section IV of the addendum).

Step 2—Multiply the labor-related portion of the standardized amount by the appropriate wage index (see Tables 4a and 4b, section IV of the addendum).

Step 3—Sum the amount from step 2 and the nonlabor portion of the standardized amount.

Step 4—Multiply the result in step 3 by 75 percent.

Step 5—Multiply the amount from step 3 by the weighting factor corresponding to the appropriate DRG weight (see Table 5, section IV of the addendum).

b. National Rate. The national prospective payment rate is determined as follows:

Step 1—Multiply the labor-related portion of the national average standardized amount (see Table 1c, section IV of the addendum) by the appropriate wage index.

Step 2—Sum the amount from step 1 and the nonlabor portion of the national average standardized amount.

Step 3—Multiply the result in step 2 by 25 percent.

Step 4—Multiply the amount from step 3 by the weighting factor corresponding to the appropriate DRG weight (see

Table 5, section IV of the addendum).

The sum of the Puerto Rico rate and the national rate computed above equals the prospective payment for a given

discharge for a hospital located in Puerto Rico.

III. Target Rate Percentages for Hospitals and Hospital Units Excluded From the Prospective Payment System

The inpatient operating costs of hospitals and hospital units excluded from the prospective payment system are subject to rate-of-increase limits established under the authority of section 1886(b) of the Act, which is implemented in § 413.40 of the regulations. Under these limits, an annual target amount (expressed in terms of the inpatient operating cost per discharge) is set for each hospital, based on the hospital's own historical cost experience, trended forward by the applicable update factors. This target amount is applied as a ceiling on the allowable costs per discharge for the hospital's next cost reporting period.

A hospital that has inpatient operating costs per discharge in excess of its target amount would be paid no more than that amount. However, a hospital that has inpatient operating costs less than its target amount would be paid its cost plus the lower of (1) 50 percent of the difference between the inpatient operating cost per discharge and the target amount, or (2) 5 percent of the target amount.

Each hospital's target amount is adjusted annually, before the beginning of its cost reporting period, by an applicable target rate percentage. For cost reporting periods beginning on or after October 1, 1989 and before October 1, 1990, section 1886(b)(3)(B)(ii) of the Act provides that the applicable percentage increase is the market basket percentage increase. In order to determine a hospital's target amount for its cost reporting period beginning in FY 1990, the hospital's target amount for its reporting period that began in FY 1989 is

increased by the market basket percentage for FY 1990. The most recent forecasted hospital market basket increase for FY 1990 is 5.5 percent. Therefore, the applicable percentage increase is also 5.5 percent.

Comment: We received one comment urging us to develop a separate market basket index for rehabilitation facilities.

Response: We agree that the development of a separate market basket for rehabilitation hospitals should be explored further. We are currently working with the National Association of Rehabilitation Facilities to develop data sources for constructing a market basket specific to those facilities. We intend to conduct an indepth analysis of this issue in conjunction with our overall rebasing of the hospital market basket for FY 1991 to determine whether separate market baskets should be established for hospitals and hospital units excluded from the prospective payment system.

IV. Tables

This section contains the tables referred to throughout the preamble to this proposed rule and in this addendum. For purposes of this proposed rule, and to avoid confusion, we have retained the designations of Tables 1 through 5 that were first used in the September 1, 1983 initial prospective payment final rule (48 FR 39844). Tables 1a, 1b, 1c, 3C, 4a, 4b, 4c, 5, 6a, 6b, 6c, 6d, 6e, 6f, 7A, 7B, and 8 are presented below. The tables are as follows:

Table 1a—National Adjusted Standardized Amounts, Labor/ Nonlabor

Table 1b—Regional Adjusted Standardized Amounts, Labor/ Nonlabor

Table 1c—Adjusted Standardized Amounts for Puerto Rico, Labor/ Nonlabor

Table 3C—Hospital Case Mix Indexes for Discharges Occurring in Federal Fiscal Year 1988

Table 4a—Wage Index for Urban Areas Table 4b—Wage Index for Rural Areas Table 4c—Wage Index for Rural

Counties Whose Hospitals are Deemed Urban

Table 5—List of Diagnoses Related Groups (DRGs), Relative Weighting Factors, Geometric Mean Length of Stay, and Length of Stay Outlier Cutoff Points Used in the Prospective Payment System

Table 6a—New Diagnosis Codes Table 6b—New Procedure Codes

Table 6c—Revised Procedure Code
Titles and Inclusion Terms that Affect
DRG Assignment

Table 6d—Expanded Diagnoses Codes That Are No Longer Accepted in GROUPER

Table 6e—Deleted Procedure Codes
Table 6f—Additions to the CC
Exclusions List

Table 6g—Deletions To the CC Exclusions List

Table 7A—Medicare Prospective
Payment System Selected Percentile
Lengths of Stay FY 88 MEDPAR
Update 06/89 GROUPER V6.0

Table 7B—Medicare Prospective
Payment System Selected Percentile
Lengths of Stay FY 88 MEDPAR
Update 06/89 GROUPER V7.0

Table 8—Statewide Average Cost-to-Charge Ratios for Urban and Rural Hospitals (Case Weighted)

TABLE 1A.—NATIONAL ADJUSTED STANDARDIZED AMOUNTS, LABOR/NONLABOR

'Large	Urban	Other	r Urban	R	ural
Labor-related	Nonlabor-related	Labor-related	Nonlabor-related	Labor-related	Nonlabor-related
2505.03	887.28	2480.65	878.63	2339.06	647.83

TABLE 1B.—REGIONAL ADJUSTED STANDARDIZED AMOUNTS, LABOR/NONLABOR

	Large Urban		Other Urban		Rural	
	Labor- related	Nonlabor- related	Labor- related	Nonlabor- related	Labor- related	Nonlabor- related
New England (CT, ME, MA, NH, RI, VT)	2630.58	926.19	2604.96	917.16	2592.78	768.52
Z. Middle Atlantic (PA, NJ, NY)	2363.35	878.90	2340.33	870.34	2483.11	726.53
3. South Atlantic (DE, DC, FL, GA, MD, NC, SC, VA, WV)	2522.75	809.79	2498.18	801.90	2373.67	629.99
Least North Central (IL, IN, MI, OH, WI)	2660.91	958.11	2635.00	948.78	2403.67	700.19
b. East South Central (AL KY, MS, TN)	2421.18	733.25	2397.60	726.11	2352.54	587.47
5. West North Central (IA, KS, MN, MO, NB, ND, SD)	2523.45	873.01	2498.88	864.51	2286.58	627.63
West South Central (AR, LA, OK, TX)	2508.92	804.31	2484.49	796.47	2192.92	577.20
3. Mountain (AZ, CO, ID, MT, NV, NM, UT, WY)	2419.44	862.26	2395.88	853.87	2229.43	668.21
Pacific (AK, CA, HI, OR, WA)	2354.23	984.11	2331.30	974.52	2156.83	747.88

TABLE 1C .- ADJUSTED STANDARDIZED AMOUNTS FOR PUERTO RICO, LABOR/NONLABOR

	Large	Large Urban Other Urban		Urban	Rural	
	Labor- related	Nonlabor- related	Labor- related	Nonlabor- related	Labor- related	Nonlabor- related
Puerto Rico	2225.10 2454.17	398.08 823.55	2203.46	394.19	1563.45	289.4

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NOTE: CASE MIX INDEXES DO NOT INCLUDE DISCHARGES FROM PPS-EXEMPT UNITS. : CASE MIX INDEXES INCLUDE CASES RECEIVED IN HCFA CENTRAL OFFICE THROUGH JUNE 1989.

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NOTE: CASE MIX INDEXES DO NOT INCLUDE DISCHARGES FROW PPS-EXEMPT UNITS. : CASE MIX INDEXES INCLUDE CASES RECEIVED IN HOFA CENTRAL OFFICE THROUGH JUNE 1989.

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NOTE: CASE MIX INDEXES DO NOT INCLUDE DISCHARGES FROM PPS-EXEMPT UNITS. : CASE MIX INDEXES INCLUDE CASES RECEIVED IN HCFA CENTRAL DFFICE THROUGH JUNE 1989.

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NOTE: CASE MIX INDEXES DO NOT INCLUDE DISCHARGES FROM PPS-EXEMPT UNITS. : CASE MIX INDEXES INCLUDE CASES RECEIVED IN HCFA CENTRAL OFFICE THROUGH JUNE 1989.

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NOTE: CASE MIX INDEXES DO NOT INCLUDE DISCHARGES FROM PPS-EXEMPT UNITS. : CASE MIX INDEXES INCLUDE CASES RECEIVED IN HCFA CENTRAL OFFICE THROUGH JUNE 1989.

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NOTE: CASE MIX INDEXES DO NOT INCLUDE DISCHARGES FROM PPS-EXEMPT UNITS. : CASE MIX INDEXES INCLUDE CASES RECEIVED IN HCFA CENTRAL OFFICE THROUGH JUNE 1989.

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NOTE: CASE MIX INDEXES DO NOT INCLUDE DISCHARGES FROM PPS-EXEMPT UNITS. : CASE MIX INDEXES INCLUDE CASES RECEIVED IN HCFA CENTRAL OFFICE THROUGH JUNE 1939.

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NOTE: CASE MIX INDEXES DO NOT INCLUDE DISCHARGES FROM PPS-EXEMPT UNITS. : CASE MIX INDEXES INCLUDE CASES RECEIVED IN HOFA CENTRAL DFFICE THROUGH JUNE 1909.

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NOTE: CASE MIX INDEXES DO NOT INCLUDE DISCHARGES FROM PPS-EXEMPT UNITS. : CASE MIX INDEXES INCLUDE CASES RECEIVED IN HCFA CENTRAL OFFICE THROUGH JUNE 1989.

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MIX INDEXES DO NOT INCLUDE DISCHARGES FROM PPS-EXEMPT UNITS. MIX INDEXES INCLUDE CASES RECEIVED IN HCFA CENTRAL OFFICE THROUGH JUNE 1989.

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NOTE: CASE MIX INDEXES DO NOT INCLUDE DISCHARGES FROM PPS-EXEMPT UNITS. : CASE MIX INDEXES INCLUDE CASES RECEIVED IN HCFA CENTRAL OFFICE THROUGH JUNE 1989.

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NOTE: CASE MIX INDEXES DO NOT INCLUDE DISCHARGES FROM PPS-EXEMPT UNITS. : CASE MIX INDEXES INCLUDE CASES RECEIVED IN HOFA CENTRAL OFFICE THROUGH JUNE 1989.

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TABLE 3C : HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1988

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MIX INDEXES DO NOT INCLUDE DISCHARGES FROM PPS-EXEMPT UNITS. MIX INDEXES INCLUDE CASES RECEIVED IN NCFA CENTRAL OFFICE THROUGH JUNE 1989. CASE NOTE:

#### TABLE 4A.—WAGE INDEX FOR URBAN AREAS

[Areas that qualify as large urban areas are designated with an asterisk]

Urb	an area (constituent counties or county equivalents)	Wage Index
	ne, TX	0.8833
Agua	dilla, PRuada, PR	0.4591
Agu	uadilla, PR	
Mo	bella, PR ca, PR	
Por	tage, OH	0.9620
Alban	nmit, OH y, GA	0.7791
Lee	ugherty, GA , GA	
Alban	y-Schenectady-Troy, NYany, NY	0.8697
Mo	ene, NY ntgomery, NY	
	nsselaer, NY atoga, NY	
Sch	enectady, NY uerque, NM	0.9949
Ben	nalillo, NM ndria, LA	0.8468
Rap	oides, LA own-Bethlehem, PA-NJ	
War	ren, NJ bon, PA	0.9873
Leh	igh, PA	
Altoon	thampton, PA pa, PA	0.9513
Amaril	r, PA lo TX	0.9589
Ran	er, TX dall, TX	
Ora	eim-Santa Ana, CAnge, CA	1.2181
Anc	rage, AKhorage, AK	1.4320
Mad	son, INlison, IN	0.9149
Ander	son, SCerson, SC	0.7799
	rbor, MI	1.1580
Annist	on, AL	0,7673
Applet	on-Oshkosh-Neenah, WI	0.9512
Outa	agamie, WI nebago, WI	
Arecib	o, PR	0.4370
Cam	uy, PR	1000
Que	lo, PR bradillas, PR	
Bune	lle, NC	0.8672
Clari	ke, GA	0.7719
Mad	ison, GA	
*Atlant	nee, GA la, GA	0.9293
Butts	ow, GA s, GA	
Clay	okee, GA lon, GA	
Cobt	o, GA eta, GA	SEET!

## TABLE 4A.—WAGE INDEX FOR URBAN AREAS—Continued

[Areas that qualify as large urban areas are designated with an asterisk]

Urban area (constituent counties or county equivalents)	Wage index
De Kalb, GA	To see
Douglas, GA	
Fayette, GA	
Forsyth, GA	
Fulton, GA	
Gwinnett, GA	
Henry, GA	
Newton, GA	
Paulding, GA	1000
Rockdale, GA	
Spalding, GA	
Walton, GA	19059000
Atlantic City, NJ	0.9849
Atlantic, NJ	
Cape May, NJ	200
Augusta, GA-SC	0.8777
Columbia, GA McDuffie, GA	
Richmond, GA	
Aiken, SC	
Aurora-Elgin, IL	0.9879
Kane, IL	0.0079
Kendall, IL	
Austin, TX	1.0294
Hays, TX	-
Travis, TX	
Williamson, TX	
Bakersfield, CA	1.0878
Kern, CA	
Baltimore, MD	0.9864
Anne Arundel, MD	
Baltimore, MD	
Baltimore City, MD	
Carroll, MD	
Harford, MD	
Howard, MD Queen Annes, MD	
Bangor, ME	0.9043
Penobscot, ME	0.5045
Saton Rouge, LA	0.9556
Ascension, LA	0.0000
East Baton Rouge, LA	
Livingston, LA	
West Baton Rouge, LA	
Battle Creek, MI	0.9641
Calhoun, MI	
Beaumont-Port Arthur, TX	0.9457
Hardin, TX	
Jefferson, TX	
Orange, TX	
Beaver County, PA	1.0454
Bellingham, WA	1.0075
Whatcom, WA	1.0845
enton Harbor, MI	0.8482
Berrien, MI	0.0462
Bergen-Passaic, NJ	1.0484
Bergen, NJ	1.0904
Passaic, NJ	
illings, MT	0.9882
Yellowstone, MT	
iloxi-Gulfport, MS	0.8031
Hancock, MS	
Harrison, MS	
linghamton, NY	0.9213
Broome, NY	
Tioga, NY	
lirmingham, AL	0.9352
Blount, AL	

#### TABLE 4A.—WAGE INDEX FOR URBAN AREAS—Continued

Urban area (constituent counties or county equivalents)	Wage inde
Shelby, AL	
Walker, AL	
Bismarck, ND	0.927
Burleigh, ND	
Morton, ND	The Later
Bloomington, IN	0.911
Bloomington-Normal, IL	0.965
McLean, IL	
Boise City, ID	1.016
Ada, ID	100
*Boston-Lawrence-Salem-Lowell-	111000
Brockton, MA	1.081
Essex, MA	10000
Middlesex, MA	100000
Norfolk, MA Plymouth, MA	Die Committee
Suffolk, MA	100000
Boulder-Longmont, CO	1.077
Boulder, CO	-
Bradenton, FL	0.893
Manatee, FL	0.000
Brazoria, TX	0.876
Brazoria, TX	-
Bremerton, WA	0.957
Kitsap, WA	
Bridgeport-Stamford-Norwalk-	100
Danoury, C1	1.130
Fairfield, CT	10/2/20
Brownsville-Harlingen, TX	0.869
Cameron, TX Bryan-College Station, TX	0.074
Brazos, TX	0.974
Buffalo, NY	0.939
F-1- A132	
Burlington, NC	0.763
Burlington, VT	0.939
	20000
Chittenden, VT Grand Isle, VT	The Parks
Caguas, PH	0.397
Caguas, PR	1-
Gurabo, PR	
San Lorenz, PR	1000000
Aguas Buenas, PR	
Cayey, PR Cidra, PR	14.00
Canton, OH	0.890
Carroll, OH	0.030
Stark, OH	
Casper, WY	0.927
Natrona, WY	-
Cedar Rapids, IA	0.891
Linn, IA	The second second
Champaign-Urbana-Rantoul, IL	0.890
Champaign, IL	1
Charleston, SC	0.854
Berkeley, SC	100
Charleston, SC	1000
Dorchester, SC Charleston, WV	0.004
Kanawha, WV	. 0.9647
Putnam, WV	1000
*Charlotte-Gastonia-Rock Hill, NC-SC.	0.837
Cabarrus, NC	3,007
Gaston, NC	1
Lincoln, NC	
Mecklenburg, NC	1000
Rowan, NC	
Union, NC	The same of
York, SC Charlottesville VA,	
	. 0.8845

### TABLE 4A.—WAGE INDEX FOR URBAN AREAS—Continued

[Areas that qualify as large urban areas are designated with an asterisk]

# TABLE 4A.—WAGE INDEX FOR URBAN AREAS—Continued

[Areas that qualify as large urban areas are designated with an asterisk]

#### TABLE 4A.—WAGE INDEX FOR URBAN AREAS—Continued

Urban area (constituent counties or county equivalents)	Wage index	Urban area (constituent counties or county equivalents)	Wage index	Urban area (constituent counties or county equivalents)	Wage index
Albermarie, VA		Clark, OH		Broward, FL	
Charlottesville City, VA		Greene, OH		Fort Myers-Cape Coral, FL	0.9003
Fluvanna, VA	THE RESERVE	Miami, OH		Lee, FL	10000
Greene,VA Chattanooga, TN-GA	0.8881	Montgomery, OH	0.8487	Fort Pierce, FL	1.0480
Catoosa, GA	0.0001	Daytona Beach, FL	0.0407	St. Lucie, FL	
Dade, GA		Decatur, AL	0.7086	Fort Smith, AR-OK	0.8748
Walker, GA		Lawrence, AL		Crawford, AR	
Hamilton, TN	2000	Morgen, AL	7455555	Sebastian, AR	
Marion, TN	Marie Service	Decatur, IL	0.8903	Sequoyah, OK	0.0400
Sequatchie, TN Cheyenne, WY	0.8786	Macon, IL *Denver, CO	1,1756	Fort Walton Beach, FLOkaloosa, FL	0.8182
Laramie, WY	0.0700	Adams, CO	1.1750	Fort Wayne, IN	0.9008
*Chicago, IL	1.0843	Arapahoe, CO	100	Allen, IN	
Cook, IL		Denver, CO		De Kalb, IN	
Du Page, IL		Douglas, CO		Whitley, IN	
McHenry, IL	1.0550	Jefferson, CO	0.0744	*Fort Worth-Arlington, TX	0.9544
Chico, CA	1.0550	Des Moines, IA	0.9711	Johnson, TX Parker, TX	
*Cincinnati, OH-KY-IN	1.0236	Polk, IA		Tarrant, TX	
Dearborn, IN		Warren, IA		Fresno, GA	1.1137
Econe, KY		*Detroit, MI	1.0784	Fresno, CA	10000000
Campbell, KY	The state of the s	Lapeer, MI		Gadsden, AL	0.8523
Kenton, KY Clermont, OH		Livingston, MI	C. Carlos	Etowah, AL	0.0700
Hamilton, OH		Macomb, MI Monroe, MI		Gainesville, FL	0.8728
Warren, OH		Oakland, MI		Bradford, FL	
Clarksville-Hopkinsville, TN-KY	0.7269	Saint Clair, MI		Galveston-Texas City, TX	1.0820
Christian, KY		Wayne, MI		Galveston, TX	
Montgomery, TN		Dothan, AL	0.7892	Gary-Hammond, IN	1.0493
*Cleveland, OH	1.0765	Dale, AL		Lake, IN	
Cuyahoga, OH Geauga, OH		Houston, AL Dubuque, IA	0.9456	Porter, IN Glens Falls, NY	0.8736
Lake, OH		Dubuque, IA	0.5450	Warren, NY	0.0750
Medina, OH		Duluth, MN-WI.	0.9603	Washington, NY	The same
Colorado Springs, CO	1.0256	St. Louis, MN		Grand Forks, ND	0.9628
El Paso, CO	The state of	Douglas, WI	The same of	Grand Forks, ND	1000000
Columbia, MO	1.0378	Eau Claire, WI	0.8866	Grand Rapids, MI	1.0076
Columbia, SC	0.8444	Chippewa, WI Eau Claire, WI		Kent, MI Ottawa, MI	1000
Lexington, SC	0.0444	El Paso, TX	0.8888	Great Falls, MT	0.9839
Richland, SC		El Paso, TX	144.022	Cascade, MT	INCOME.
Columbus, GA-AL	0.7347	Elkhart-Goshen, IN	0.9197	Greeley, CO	1.0215
Russell, AL Chattanoochee, GA		Elkhart, IN	0.0104	Weld, CO	0.9662
Muscogee, GA		Elmira, NY	0.9134	Green Bay, WI	0.8002
*Columbus, OH	0.9472	Enid, OK	0.9150	Greensboro-Winston-Salem-High	200000
Delaware, OH		Garfield, OK	-	Point, NC	0.8558
Fairfield, OH		Erie, PA	0.9568	Davidson, NC	
Franklin, OH Licking, OH		Erie, PA Eugene-Springfield, OR	1.0100	Davie, NC	
Madison, OH		Lane, OR	1.0199	Forsyth, NC Guilford, NC	
Pickaway, OH		Evansville, IN-KY	1.0302	Randolph, NC	
Union, OH		Posey, IN	100000	Stokes, NC	100000000000000000000000000000000000000
Corpus Christi, TX	0.8285	Vanderburgh, IN		Yadkin, NC	
Nueces, TX San Patricio, TX		Warrick, IN		Greenville-Spartanburg, SC	0.9322
Cumberland, MD-WV	0.9122	Henderson, KY Fargo-Moorhead, ND-MN	1.0040	Greenville, SC Pickens, SC	
Allegeny, MD	U.U.T.L.L.	Clay, MN	1.0040	Spartanburg, SC	
Mineral, WV	The same of	Cass, ND	1000	Hagerstown, MD	0.8716
*Dallas, TX	1.0143	Fayetteville, NC	0.8158	Washington, MD	20000
Collin, TX		Cumberland, NC		Hamilton-Middletown, OH	0.9681
Dallas, TX Denton, TX		Fayetteville-Springdale, AR	0.7383	Butler, OH	4.0546
Ellis, TX	Total Control	Washington, AR Flint, MI	1.1653	Harrisburg-Lebanon-Carlisle, PA Cumberland, PA	1.0515
Kaufman, TX		Genesee, MI	1.7000	Dauphin, PA	
Rockwall, TX		Florence, AL	0.7090	Lebanon, PA	
Danville, VA	0.7629	Colbert, AL		Perry, PA	
Danville City, VA	The Contract of	Lauderdale, AL	A 7770.	*Hartford-Middletown-New Britain-	4.0005
Pittsylvania, VA Davenport-Rock Island-Moline, IA-IL	0.9446	Florence, SC	0.7704	Bristol, CT	1,0995
Scott, IA	0.5440	Fort Collins-Loveland, CO	1.0292	Litchfield, CT	
Henry, IL		Larimor, CO	1,02.02	Middlesex, CT	P. S. C. Land
Rock Island, IL		*Fort Lauderdale-Hollywood-Pompano	THE PARTY	Tolland, CT	
Dayton-Springfield, OH	0.9918	Beach, FL	1.0258	Hickory, NC	0.8213

#### Table 4a.—Wage Index for Urban Areas—Continued

[Areas that qualify as large urban areas are designated with an asterisk]

#### Urban area (constituent countles or county equivalents) Wage index Alexander, NC Burke, NC Catawba, NC Honolulu, HI 1.1365 Honolulu, HI Houma-Thibodaux, LA. 0.7485 Lafourche, LA Terrebonne, LA *Houston, TX. 0.9868 Fort Bend, TX Harris, TX Liberty, TX Montgomery, TX Waller, TX Huntington-Ashland, WV-KY-OH .. 0.9177 Boyd, KY Carter, KY Greenup, KY Lawrence, OH Cabell, WV Wayne, WV Huntsville, AL 0.8260 Madison, AL *Indianapolis, IN 0:9903 Boone, IN Hamilton, IN Hancock, IN Hendricks, IN Johnson, IN Marion, IN Morgan, IN Shelby, IN lowa City, IA. 1.0951 Johnson, IA Jackson, MI... 0.9283 Jackson, MI Jackson, MS. 0.8075 Hinds, MS Madison, MS Rankin, MS Jackson, TN. 0.7560 Madison, TN Jacksonville, FL 0.8920 Clay, FL Duval, FL Nassau, FL St. Johns, FL Jacksonville, NC 0.7219 Onslow, NC Jamestown-Dunkirk, NY .... 0.7963 Chatauqua, NY Janesville-Beloit, WI. 0.8999 Rock, WI Jersey City, NJ 1.0737 Hudson, NJ Johnson City-Kingsport-Bristol, TN-VA. 0.8773 Carter, TN Hawkins, TN Sullivan, TN Unicoi, TN Washington, TN Bristol City, VA Scott, VA Washington, VA Johnstown, PA Cambria, PA 0.9149 Somerset, PA Joliet, IL .. 1.0421 Grundy, IL Will, IL Joplin, MO 0.8635 Jasper, MO Newton, MO

Kalamazoo, Mi

#### TABLE 4A.—WAGE INDEX FOR URBAN AREAS—Continued

[Areas that qualify as large urban areas are designated with an asterisk]

index	Urban area (constituent counties or	Wage index
	county equivalents)	
	Kalamazoo, MI	
	Kankakee, IL	0.9024
*000	Kankakee, IL *Kansas City, KS-MO	+ 0000
.1365	Johnson, KS	1.0093
7485	Leavenworth, KS	-
	Miami, KS	1
	Wyandotte, KS	100
.9868	Cass, MO	
	Clay, MO Jackson, Mo	
	Lafayette, MO	1000
	Platte, MO	1000000
	Ray, MO	
.9177	Kenosha, WI	1.0527
	Killeen-Temple, TX	1.1227
	Bell, TX	1
	Coryell, TX	ST. Disa
	Knoxviile, TN	0.8202
.8260	Anderson, TN Biount, TN	
.UEUU	Grainger, TN	
9903	Jefferson, TN	100000
	Knox, TN	F Sunsan
	Sevier, TN	ALIEN CE
	Union, TN Kokomo, IN	0.9410
	Howard, IN	0.5410
	Tipton, IN	
	LaCrosse, WI	0.968
0054	LaCrosse, WI	
.0951	Lafayette, LALafayette, LA	0.900:
.9283	St. Martin, LA	
	Lafayette, IN	0.8843
.8075	Tippecanoe, IN	The province
	Lake Charles, LA	0.8900
	Calcasieu, LA Lake County, IL	1.085
.7560	Lake, IL	1.000
	Lakeland-Winter Haven, FL	0.8189
.8920	Polk, FL	
	Lancaster, PA	0.994
	Lancaster, PA Lansing-East Lansing, MI	1.036
	Clinton, MI	1.000
7219	Eaton, MI	1
7000	Ingham, MI	
0.7963	Leredo, TX	0.736
0.8999	Las Cruces, NM	0.846
	Dona Ana, NM	
.0737	Las Vegas, NV	1.114
0.8773	Clark, NV Lawrence, KS	0.991
10110	Douglas, KS	
	Lawton, OK	0.852
	Comanche, OK	
	Lewiston-Auburn, ME	0.919
	Androscoggin, ME Lexington-Fayette, KY	0.916
	Bourbon, KY	0.310
	Clark, KY	
.9149	Fayette, KY	El Donne
	Jessamine, KY	Type Million
.0421	Scott, KY Woodford, KY	
- Comme	Lima, OH	0.917
	Allon OH	1
0.8635	Auglaize, OH	
	Lincoln, NE	0.942
	Lancaster, NE Little Rock-North Little Rock, AR	1

#### TABLE 4A.—WAGE INDEX FOR URBAN AREAS—Continued

Urban area (constituent counties or county equivalents)	Wage index
Faulkner, AR	
Lonoke, AR Pulaski, AR	
Saline, AR	
Longview-Marshall, TX	0.8154
Gregg, TX	-
Harrison, TX	
Lorain-Elyria, OH	0.9362
Lorain, OH	
*Los Angeles-Long Beach, CA	1,2413
Los Angeles, CA Louisville, KY-IN	0.9547
Clark, IN	0.0049
Floyd, IN	
Harrison, IN	
Bullitt, KY	1
Jefferson, KY	1
Oldham, KY	
Shelby, KY Lubbock, TX	0.9714
Lubbock, TX	0.3614
Lynchburg, VA	0.8498
Amherst, VA	
Campbell, VA	1
Lynchburg City, VA	-
Macon-Warner Robins, GA	0.7803
Bibb, GA	1000
Houston, GA	
Jones, GA Peach, GA	1000000
Madison, WI	1.0072
Dane, WI1	
Manchester-Nashua, NH	. 0.9388
Hillsborough, NH	
Merrimack, NH	
Mansfield, OH	0.8896
Richland, OH Mayaguez, PR	0.480
Anasco, PR	0.100
Cabo Rojo, PR	1
Hormigueros, PR	1011
Mayaguez, PR	
San German, PR McAllen-Edinburg-Mission, TX	0.707
	u./6/3
Hidalgo, TX Medford, OR	0.965
Jackson, OR	0.000
Melbourne-Titusville, FL	0.889
Brevard, FL Memphis, TN-AR-MS	0.941
Crittenden, AR	
De Soto, MS	-
Shelby, TN Tipton, TN	
Merced, CA	1.005
Merced, CA	
*Miami-Hialeah, FL	1.022
Dade, FL	
Middlesex-Somerset-Hunterdon, NJ	0.992
Hunterdon, NU	-
Middlesex, NJ	1
Somerset, NJ	1.051
Midland, TX	1.051
*Milwaukee, WI	1.013
Milwaukee, WI	1.010
Ozaukee, WI	
Washington, WI	
Waukesha, WI	
*Minneapolis-St. Paul. MN-WI	1.134

#### TABLE 4A.—WAGE INDEX FOR URBAN AREAS—Continued

[Areas that qualify as large urban areas are designated with an asterisk]

#### Urban area (constituent counties or county equivalents) Wage index Anoka, MN Carver, MN Chisago, MN Dakota, MN Hennepin, MN Isanti, MN Ramsey, MN Scott, MN Washington, MN Wright, MN St. Croix, WI Mobile, AL ..... Baldwin, AL 0.8234 Mobile, AL Modesto, CA 1.0699 Stanislaus, CA Monmouth-Ocean, NJ. 0.9387 Monmouth, NJ Ocean, NJ Monroe, LA.. 0.8150 Ouachita, LA Montgomery, AL 0.8039 Autauga, AL Elmore, AL Montgomery, AL Muncie, IN. 0.9652 Delaware, IN Muskegon, MI 0.9904 Muskegon, MI Naples, FL. 1.0000 Collier, FL Nashville, TN...... Cheatham, TN Davidson, TN Dickson, TN Robertson, TN 0.8893 Rutherford, TN Sumner, TN Williamson, TN Wilson, TN *Nassua-Suffolk, NY ... 1.2107 Nassau, NY Suffolk, NY New Bedford-Fall River-Attleboro, MA. 0.9479 Bristol, MA New Haven-Waterbury-Meriden, CT .. 1.0768 New Haven, CT New London-Norwich, CT. 1.0669 New London, CT *New Orleans, LA 0.9352 Jefferson, LA Orleans, LA St. Bernard, LA St. Charles , LA St. John The Baptist, LA St. Tammany, LA *New York, NY 1.3183 Bronx, NY Kings, NY New York City, NY Putnam, NY Queens, NY Richmond, NY Rockland, NY Westchester, NY "Newark, NJ. 1.0879 Essex, NJ Morris, NJ Sussex, NJ Union, NJ Niagara Falls, NY 0.8546 Niagara, NY *Norfolk-Virginia Beach-Newport

0.9267

News, VA.

#### TABLE 4A.—WAGE INDEX FOR URBAN AREAS—Continued

[Areas that qualify as large urban areas are designated with an asterisk]

[Areas that qualify as large urban areas are designated with an asterisk]		[Areas that qualify as designated w	
Urban area (constituent counties or county equivalents)	Wage index	Urban area (constituent county equivaler	
Charanaska City VA		Allegheny, PA	
Chesapeake City, VA		Fayette, PA	
Gloucester, VA Hampton City, VA		Washington, PA	
	The second	Westmoreland, PA	
James City Co., VA		Pittsfield, MA	
Newport News City, VA	37-123	Berkshire, MA	
Norfolk City, VA Poguoson, VA		Ponce, PR	
Portsmouth City, VA		Juana Diaz, PR	
		Ponce, PR	
Suffolk City, VA		Portland, ME	
Virginia Beach City, VA		Cumberland, ME	
Williamsburg City, VA		Sagadahoc, ME	
York, VA *Oakland, CA	1.4029	York, ME	
	1.4029	*Portland, OR	
Alameda, CA	30.00	Clackamas, OR	
Contra Costa, CA Ocala, FL	0.8143	Multnomah, OR	
	0.0143	Washington, OR	
Marion, FL Odessa, TX	0.9275	Yamhill, OR	
	0.8275	Portsmouth-Dover-Roches	
Ector, TX Oklahoma City, OK	0.9862	Rockingham, NH	
	0.3002	Strafford, NH	
Canadian, OK	THE REAL PROPERTY.	Poughkeepsie, NY	
Cleveland, OK		Dutchess, NY	
Logan, OK	TY COL	*Providence-Pawtucket-W	
McClain, OK Oklahoma, OK	- The same	RI Bristol, RI	
	THE PERSON NAMED IN	Kent, RI	
Pottawatomie, OK	1.0540	Newport, RI	
Olympia, WA	1.0540	Providence, RI	
Thurston, WA Omaha, NE-IA	0.9736	Washington, RI	
	0.8730	Provo-Orem, UT	
Pottawattamie, IA	All the same	Utah, UT	
Douglas, NE	THE PERSON NAMED IN	Pueblo, CO	
Sarpy, NE		Pueblo, CO	
Washington, NE	0.8900	Racine, WI	
Orange County, NY	0.0500	Racine, WI	
Orange, NY Orlando, FL	0.9124	Raleigh-Durham, NC	
	0.3124	Durham, NC	
Orange, FL		Franklin, NC	
Osceola, FL		Orange, NC	
Seminole, FL	0.8951	Wake, NC	
Owensboro, KY	0.0951	Rapid City, SD	
Oxnard-Ventura, CA	1.3901	Pennington, SD	
	1.3301	Reading, PA	
Ventura, CA Panama City, FL	0.7900	Berks, PA	
	0.7500	Redding, CA	
Bay, FL Parkersburg-Marietta, WV-OH	0.9065	Shasta, CA	
Washington, OH	0.5003	Reno, NV	
Wood, WV		Washoe, NV Richland-Kennewick, WA	
Pascagoula, MS	0.8749	Benton, WA	
Jackson, MS	0.0743	Franklin, WA	
Pensacola, FL	0.8251	Richmond-Petersburg, VA	
Escambia, FL	0.0251	Charles City Co., VA	
Santa Rosa, FL	Manager Co.	Chesterfield, VA	
Peoria, IL	0.9794	Colonial Heights City, V	
Peoria, IL	0,0104	Dinwiddie, VA	
Tazewell, IL	The state of the s	Goochland, VA	
Woodford, IL	1000	Hanover, VA	
*Philadelphia, PA-NJ	1.0774	Henrico, VA	
Burlington, NJ	1.0774	Hopewell City, VA	
Camden, NJ		New Kent, VA	
Gloucester, NJ		Petersburg City, VA	
Bucks, PA		Powhatan, VA	
Chester, PA	- 1000	Prince George, VA	
30000000000000000000000000000000000000		Richmond City, VA	
Delaware, PA	CAR STREET	*Riverside-San Bernardin	
Montgomery, PA Philadelphia, PA	13	Riverside, CA	
*Phoenix, AZ	1.0016	San Bernardino, CA	
	1.0016	Roanoke, VA	
Maricopa, AZ Pine Bluff, AR	0.7991	Botetourt, VA	
Jefferson, AR	0.7551	Roanoke, VA Roanoke City, VA	
*Pittsburgh, PA	1.0107	Salem City, VA	
330 301 7	1.0101	Rochester, MN	

### TABLE 4A.—WAGE INDEX FOR URBAN AREAS—Continued

Urban area (constituent counties or county equivalents)	Wage index
Allegheny, PA	44.00
Fayette, PA	
Washington, PA	
Westmoreland, PA	
Pittsfield, MA	1.0241
Berkshire, MA	0.5473
Ponce, PR	0.5473
Juana Diaz, PR Ponce, PR	
Portland, ME	0.9618
Cumberland, ME	3737375
Sagadahoc, ME	THE PARTY
York, ME	
*Portland, OR	1.1215
Clackamas, OR	
Multnomah, OR	138 450
Washington, OR Yamhill, OR	
Portsmouth-Dover-Rochester, NH	0.9399
Rockingham, NH	0.0000
Strafford, NH	
Poughkeepsie, NY	0.9728
Dutchess, NY	10000
*Providence-Pawtucket-Woonsocket,	20,000,000
RI	0.9735
Bristol, RI	-1
Kent, RI	19.00
Newport, RI	
Providence, RI Washington, RI	The second
Provo-Orem, UT	0.9275
Utah, UT	10000000
Pueblo, CO	0.9295
Pueblo, CO	
Racine, WI	0.9183
Racine, WI	
Raleigh-Durham, NC	0.9395
Durham, NC	The same of the sa
Franklin, NC Orange, NC	HARA WATER
Wake, NC	
Rapid City, SD	0.8526
Pennington, SD	3 - 2
Reading, PA	0.9118
Berks, PA	0.0004
Redding, CA	0.9901
Shasta, CA Reno, NV	1.1257
Washoe, NV	1.125/
Richland-Kennewick, WA	0.9720
Benton, WA	
Franklin, WA	100
Richmond-Petersburg, VA	0 8864
Charles City Co., VA	
Chesterfield, VA	
Colonial Heights City, VA	1000
Dinwiddie, VA Goochland, VA	1 100
Hanover, VA	PLANT OF THE PARTY OF
Henrico, VA	THE PARTY
Hopewell City, VA	1 - 1
New Kent, VA	100000
Petersburg City, VA	
Powhatan, VA	
Prince George, VA	275
Richmond City, VA	1.1291
*Riverside-San Bernardino, CA	1.129
San Bernardino, CA	
Roanoke, VA	0.8224
Botetourt, VA	
Roanoke, VA	
Roanoke City, VA	12 / 12 / 12
Salem City, VA	1 100000
Rochester, MN	1.0539

# TABLE 4A.—WAGE INDEX FOR URBAN AREAS—Continued

[Areas that qualify as large urban areas are designated with an asterisk]

#### Urban area (constituent counties or county equivalents) Wage index Olmsted, MN Rochester, NY 0.9490 Livingston, NY Monroe, NY Ontario, NY Orleans, NY Wayne, NY Rockford, IL. 0.9806 Boone, IL Winnebago, IL "Sacramento, CA. 1.2072 Eldorado, CA Placer, CA Sacramento, CA Yolo, CA Saginaw-Bay City-Midland, MI .. 1.0769 Bay, MI Midland, MI Saginaw, MI St. Cloud, MN. 0.9890 Benton, MN Sherburne, MN Steams, MN St. Joseph, MO 0.8691 Buchanan, MO *St. Louis, MO-IL 1.0126 Clinton, IL Jersey, IL Madison, IL Monroe, IL St. Clair, HL Franklin, MO Jefferson, MO St. Charles, MO St. Louis, MO St. Louis City, MO Salem, OR. 1.0503 Marion, OR Polk, OF Salinas-Seaside-Monterey, CA .. 1.2582 Monterey, CA *Salt Lake City-Ogden, UT... 0.9271 Davis, UT Salt Lake, UT Weber, UT San Angelo, TX 0.8395 Tom Green, TX San Antonio, TX 0.8334 Bexar, TX Comal, TX Guadalupe, TX *San Diego, CA 1.2359 San Diego, CA 'San Francisco, CA 1.4350 Marin, CA San Francisco, CA San Mateo, CA *San Jose, CA. 1.4702 Santa Clara, CA *San Juan, PR 0.5363 Barcelona, PR S Bayoman, PR Canovanas, PR Carolina, PR S Catano, PR Corozal, PR

#### TABLE 4A.—WAGE INDEX FOR URBAN AREAS—Continued

[Areas that qualify as large urban areas are designated with an asterisk]

designated with an asteris	Enroas i	
Urban area (constituent counties or county equivalents)	Wage index	Urban area cou
Dorado, PR		State College
Fajardo, PR		Centre, PA
Florida, PR		Steubenville-
Guaynabo, PR		Jefferson, (
Humacao, PR	The state of the s	Brocke, W
Juncos, PR		Hancock, V
Los Piedras, PR Loiza, PR		Stockton, CA
Luguillo, PR		San Joaqui
Manati, PR		Syracuse, NY
Naranjito, PR		Madison, N
Rio Grande, PR	A STATE OF THE PARTY OF THE PAR	Onondaga,
San Juan, PR	-	Oswego, N
Toa Alta, PR	L COST	Tacoma, WA
Toa Baja, PR	1	Pierce, WA
Trajillo Alto, PR		Tallahassee,
Vega Alta, PR		Gadsden, F Leon, FL
Vega Baja, PR		*Tampa-St. P
Santa Barbara-Santa Maria-Lompoc,	0.000000	Hernando,
CA	1.1722	Hillsboroug
Santa Cruz, CA	1.0005	Pasco, FL
Santa Cruz, CA	1.2325	Pinellas, FL
Santa Fe, NM	0.9488	Terre Haute,
Los Alamos, NM	0.0400	Clay, IN
Santa Fe, NM		Vigo, IN
Santa Rosa-Petaluma, CA	1.4191	Texarkana-TX
Sonoma, CA	22222	Miller, AR
Sarasota, FL	0.9255	Bowie, TX
Sarasota, FL		Toledo, OH
Savannah, GA	0.8415	Fulton, OH
Chatham, GA		Lucas, OH
Effingham, GA Scranton-Wilkes Barre, PA	0.0040	Wood, OH
Columbia, PA	0.9240	Topeka, KS
Lackawanna, PA		Shawnee, k
Luzerne, PA		Trenton, NJ
Monroe, PA		Mercer, NJ
Wyoming, PA		Tucson, AZ
Seattle, WA	1.0901	Pima, AZ Tulsa, OK
King, WA	- Charles	Creeks, OK
Snehomish, WA	and the same of	Osage, CK
Sharon, PA	0.9209	Rogers, OK
Mercer, PA Sheboygan, WI	-	Tulsa, OK
Sheboygan, WI	0.9329	Wagoner, C
Sherman-Denison, TX	0.8911	Tuscalocsa, A
Grayson, TX	0.0311	Tuscaloosa,
Shreveport, LA	0.8936	Tyler, TX
Bossier, LA	0.0000	Smith, TX
Caddo, LA		Utica-Rome, N
Sioux City, IA-NE	0.9026	Herkimer, N
Woodbury, IA		Oneida, NY
Dakota, NE	2000	Vallejo-Fairfiel
Sioux Falls, SD	0.9492	Napa, CA
Minnehaha, SD South Bend-Mishawaka, IN		Solano, CA
St. Joseph. IN	0.9712	Vancouver, W.
Spokane, WA	1.0764	Clark, WA
Spokane, WA	1.0704	Victoria, TX
Springfield, IL	1.0040	Victoria, TX
Menard, IL	100000	Vineland-Millvi
Sangamon, IL	PERMIT	Cumberland
Springfield, MO	0.8866	Visalia-Tulare-
Christian, MO	W. New York	Tulare, CA
Greene, MO	TO TENIE	Waco, TX
Springfield, MA	1.0040	McLennan,
Hampden, MA	CHICAGO STATE	*Washington,

Hampshire, MA

#### TABLE 4A.—WAGE INDEX FOR URBAN AREAS—Continued

designated with an asterisk]				
Urban area (constituent counties or county equivalents)	Wage index			
State College, PA	1.0463			
Steubenville-Weirton, OH-WV	0.9122			
Brooke, WV Hancock, WV				
Stockton, CA	1.1373			
Syracuse, NY	0.9760			
Onondaga, NY Oswego, NY				
Pierce, WA	1.0247			
Tallahassee, FL	0.8115			
*Tampa-St. Petersburg-Clearwater, FL Hernando, FL	0.8996			
Hillsborough, FL Pasco, FL				
Pineilas, FL Terre Haute, IN	0.8218			
Clay, IN Vigo, IN	0.0210			
Texarkana-TX-Texarkana, ARMiller, AR	0.8028			
Bowie, TX Toledo, OH	1.0659			
Fulton, OH Lucas, OH	018-1			
Wood, OH Topeka, KS	0.9901			
Shawnee, KS Trenton, NJ	1.0310			
Mercer, NJ Tucson, AZ	0.9777			
Pima, AZ Tulsa, OK	0.9238			
Creeks, OK Osage, CK				
Rogers, OK Tulsa, OK				
Wagener, OK Tuscaloosa, AL Tuscaloosa, AL	0.9423			
Tyler, TXSmith, TX	0.9239			
Utica-Rome, NYHerkimer, NY	0.8101			
Oneida, NY Vallejo-Fairfield-Napa, CA	1.2273			
Napa, CA Solano, CA	13100130			
Vancouver, WAClark, WA	1.0570			
Victoria, TXVictoria, TX	0.8249			
Vineland-Millville-Bridgeton, NJ Cumberland, NJ	0.9808			
Visalia-Tulare-Porterville, CA Tulare, CA	1.2797			
Waco, TX	0.8588			
*Washington, DC-MD-VA District of Columbia, DC	1.0827			

### TABLE 4A.—WAGE INDEX FOR URBAN AREAS—Continued

[Areas that qualify as large urban areas are designated with an asterisk]

Urban area (constituent counties or county equivalents)	Wage index
Calvert, MD	
Charles, MD	AT THE L
Frederick, MD	45 5 45 45
The state of the s	1 done
Montgomery, MD	
Prince Georges, MD	
Alexandria City, VA	ALC: NO
Arlington, VA	Santa Art
Fairfax, VA	- The Land
Fairfax City, VA	
Falls Church City, VA	
Loudoun, VA	
Manassas City, VA	The same of
Manassas Park City, VA	
Prince William, VA	KIN THE REAL PROPERTY.
Stafford, VA	and-
Waterloo-Cedar Falls, IA	0.9456
Black Hawk, IA	
Bremer, IA	1 4 5 5 5 7
Wausau, WI	0.9618
Marathon, WI	0.00.0
West Palm Beach-Boca Raton-Delray	HEROTE
Beach, FL.	0.9472
Palm Beach, FL	0.54/2
Wheeling, WV-OH	0.8554
	0.0004
Belmont, OH Marshall, WV	
Ohio, WV	4 0000
Wichita, KS	1.0226
Butler, KS	
Harvey, KS	
Sedgwick, KS	
Wichita Falls, TX	0.8316
Wichita, TX	
Williamsport, PA	0.9086
Lycoming, PA	
Wilmington, DE-NJ-MD	1.0279
New Castle, DE	
Cecil, MD	22 7000
Salem, NJ	30,000
Wilmington, NC	0.8179
New Hanover, NC	0.0170
Worcester-Fitchburg-Leominster, MA	0.9417
Worchester, MA	0.0417
Yakima, WA	0.9915
	0.8915
Yakima, WA	00000
York, PA.	0.9403
Adams, PA	
York, PA	200200
Youngstown-Warren, OH	1.0016
Mahoning, OH	
Trumbull, OH	
Yuba City, CA	1.0090

### TABLE 4A.—WAGE INDEX FOR URBAN AREAS—Continued

[Areas that qualify as large urban areas are designated with an asterisk]

Urban area (constituent counties or county equivalents)	Wage index
Sutter, CA Yuba, CA	

### TABLE 4B.—WAGE INDEX FOR RURAL AREAS

Nonurban area	Wage index
Alabama	0.6963
Alaska	1.3734
Arizona	0.8782
Arkansas	0.7071
California	1.0137
Colorado	0.8554
Connecticut	1.0175
Delaware	0.8332
Florida	0.8147
Georgia	0.7448
Hawaii	0.8840
Idaho	0.8568
Illinois	0.7994
Indiana	0.8033
lowa	0.7933
Kansas	0.7908
Kentucky	0.7938
Louisiana	0.7584
Maine	0.8233
Maryland	0.7966
Massachusetts	1.0135
Michigan	0.9110
Minnesota	0.8929
Mississippi	0.7176
Missouri	0.7461
Montana	0.8499
Nebraska	0.7680
Nevada	0.9473
New Hampshire	0.8872
New Jersey ¹	0.0072
New Mexico	0.8049
New York	0.8069
North Carolina	0.7639
North Dakota	0.8395
Ohio	0.8650
Oklahoma	0.7908
Oregon	0.9908
Pennsylvania	0.8760
Puerto Rico	0.5371
Rhode Island 1	
South Carolina	0.7192
South Dakota	0.7557
Tennessee	0.7043
Texas	0.7609
Utah	0.8613
Vermont	0.8400
Virginia	0.7868
Washington	0.9916
West Virginia	0.8499
Wisconsin	0.8454
Wyoming	0.9025

¹ All counties within the State are classified urban.

# TABLE 4C.—WAGE INDEX FOR RURAL COUNTIES WHOSE HOSPITALS ARE DEEMED URBAN

[Area that qualify as large urban areas are designated with an asterisk]

Marshall, AL	County	Urban area	Wage
Marshall, AL         Huntsville, AL         0.7207           Charlotte, FL         Sarasola, FL         0.8311           Indian River, FL         Fort Pierce, FL         0.8613           Christian, IL         Springfield, IL         0.7898           Macoupin, IL         *St. Louis, MO-IL         0.7592           Masson, IL         Peoria, IL         0.7364           Clinton, IN         Lafayette, IN         0.8041           Henry, IN         Anderson, IN         0.8411           Owen, IN *         Bioomington, IN         0.8411           Jefferson, KS         Topeka, KS         0.6041           Allegan, MI         Grand Rapids, MI         1.0078           Barry, MI         Battle Creek, MI         0.8381           Lansing-East         0.8381         1.0244           Lansing, MI         1.0244         1.0236           Shiawassee, MI         Flint, MI         1.0236           Tuscola, MI         Saginaw-Bay City-Midland, MI         0.8610           Van Buren, MI         Kaiamazoo, MI         0.8610           Ciinton, MO         *Kansas City, KS-Midland, MI         0.8610           Cass, NE *         Oranville, VA         0.6300           Caswell, NC *         Da	Limestone, AL	Huntsville, AL	0.7455
Charlotte, FL	Marshall, AL		
Indian River, FL			0.8311
Christian, IL.         Springfield, IL.         0.7895           Macoupin, II.         "St. Louis, MO-IL.         0.7596           Mason, II.         Peoria, IL.         0.7596           Clinton, IN.         Lafayette, IN.         0.8095           Henry, IN.         Anderson, IN.         0.841           Owen, IN.*         Bloomington, IN.         0.841           Owen, IN.*         Anderson, IN.         0.841           Owen, IN.*         Anderson, IN.         0.841           Owen, IN.*         Anderson, IN.         0.841           Allegan, MI.         Geand         Rapids, MI.         1.007           Larsing, MI.         1.007         1.024           Shiawasa, II.         0.795         0.838           Lansing-East         0.838         1.083           Lansing-East         0.836         1.024           Saginaw-Bay City-Midland, MI.         1.024 <td></td> <td></td> <td>0.8613</td>			0.8613
Macoupin, IL         "St. Louis, MO-IL         0.7592           Mason, IL         Peoria, IL         0.7364           Clinton, IN.         Lafayette, IN         0.8093           Henry, IN         Anderson, IN         0.841           Owen, IN *         Bioomington, IN         0.841           Owen, IN *         Bioomington, IN         0.841           Jefferson, KS         Topeka, KS         0.604           Allegan, MI         Grand Rapids, MI         1.0078           Barry, MI         Battle Creek, MI         0.838           Lansing-East         0.838         1.024           Lansing, MI         1.024         1.023           Shiawassee, MI         Ann Arbor, MI         1.024           Shiawassee, MI         Saginaw-Bay City-Midland, MI         0.902           Van Buren, MI         Kalamazoo, MI         0.8610           Van Buren, MI         Kanasa City, KS-Midland, MI         0.8610           Van Buren, MI         Kanasa City, KS-Midland, MI         0.6610           Clinton, MO         "Kansas City, KS-Midland, MI         0.6610           Cass, NE 1         Danville, VA         0.630           Carrituck, NC 1         Danville, VA         0.717           Carsenell, NY			
Mason, II.         Peoria, IL.         0.736-0.809           Clinton, IN.         Lafayette, IN.         0.809           Henry, IN.         Anderson, IN.         0.841           Owen, IN.*         Bloomington, IN.         0.841           Jefferson, KS.         Topeka, KS.         0.604           Allegan, MI.         Battle Creek, MI.         0.833           Cass, MI.         Benton Harbor, MI.         0.836           Lenawee, MI.         Ann Arbor, MI.         1.0243           Shiawassee, MI.         Flint, MI.         1.0243           Tuscola, MI.         Saginaw-Bay City-Midland, MI.         0.902           Van Buren, MI.         Kaiamazoo, MI.         0.861           Clinton, MO.         "Kansas City, KS-MO.         0.630           MO.         Omaha, NE.         0.630           Cass, NE.*         Danville, VA.         0.630           Cassell, NC.*         Danville, VA.         0.749           Cassee, NY.         Rochester, NY.         0.717           Columbiana, OH.         Beaver County,			0.7592
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Henry, IN			
Owen, IN ¹         Bloomington, IN         0.604¹           Jefferson, KS         Topeka, KS         0.604¹           Allegan, MI         Grand Rapids, MI         1.007²           Barry, MI         Battle Creek, MI         0.833¹           Cass, MI         Benton Harbor, MI         0.7956¹           Ionia, MI         Lansing-East         0.838¹           Lenawee, MI         Ann Arbor, MI         1.024²           Shiawassee, MI         Flint, MI         1.023¹           Tuscola, MI         Saginaw-Bay City-Midland, MI         Valamazoo, MI         0.8610¹           Van Buren, MI         Kalamazoo, MI         0.8610¹         0.8610¹           Ciinton, MO         *Kansas City, KS-MO         0.630¹           Omaha, NE         0.630¹         0.6610¹           Cass, NE¹         Omaha, NE         0.630¹           Caswell, NC¹         Danville, VA         0.630¹           Currituck, NC¹         "Norfolk-Virginia         Beach-Newport           News, VA         Rochester, NY         0.717?           Columbiana, OH         Mansfield, OH         0.674           Proble, OH¹         Dayton-Springfield, OH         0.674           OH         Dayton-Springfield, OH         0.674 <td></td> <td></td> <td></td>			
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Cass, NE 1         Omaha, NE           Caswell, NC 1         Danville, VA           Currituck, NC 1         "Norfolk-Virginia Beach-Newport News, VA.           Harnett, NC         Fayetteville, NC         0.7491           Genesee, NY         Rochester, NY         0.7172           Columbiana, OH         Beaver County, PA         0.9081           Morrow, OH         Mansfield, OH         0.6742           Proble, OH 1         Dayton-Springfield, OH         0.6742           Van Wert, OH         Lima, OH         0.8371           Lawrence, PA         Beaver County, PA         0.8461           Gherokee, SC         Greenville-Spartanburg, SC         0.7264           Spartanburg, SC         Roanoke, VA         0.7265           Fredericksburg City, VA         "Washington, DC-MD-VA         0.8232           Norfolk-Virginia Beach-Newport News, VA         Spartanburg, SC         0.8232           Spotsylvania, VA 1         "Washington, DC-MD-VA         0.8740           Jefferson, WI         "Milwaukee, WI         0.9473           Walworth, WI         "Milwaukee, WI         0.9473           Washington, DC-MD-VA         0.6886			
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¹ There are no prospective payment hospitals in these counties.

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DRGS 469 AND 470 CONTAIN CASES WHICH COULD NOT BE ASSIGNED TO VALID DRGS.

E: GEOMETRIC MEAN IS USED ONLY TO DETERMINE PAYMENT FOR OUTLIER AND TRANSFER CASES.

E: RELATIVE WEIGHTS ARE BASED ON MEDICARE PATIENT DATA AND MAY NOT BE APPROPRIATE FOR OTHER PATIENTS. ** DRGS ** DRGS ROTE: C

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TRAUMA TO THE SKIN, SUBCUT TISS & BREAST AGE >17 W/O CC TRAUMA TO THE SKIN, SUBCUT TISS & BREAST AGE 0-17 MINOR SKIN DISORDERS WITH CC MINOR SKIN DISORDERS W/O CC MINOR SKIN DISORDERS W/O CC AMPUTAT OF LOWER LIMB FOR ENDOCRINE, NUTRIT, & METABOL DISORDERS	G ADREMAL & PITUITARY PROCEDURES G SKIN GRAFIS & WOUND DEBRID FOR ENDOC, NUTRIT & METAB DISORDERS G G.R. PROCEDURES FOR OBESITY G PARATHYROID PROCEDURES G THYROID PROCEDURES	G THYROGLOSSAL PROCEDURES G OTHER ENDOCRIME, MUTRIT & METAB O.R. PROC WITH CC DIABETES AGE >85 DIABETES AGE 0-35	MUTRITIONAL & MISC METABOLIC DISORDERS AGE >17 WITH CC MUTRITIONAL & MISC METABOLIC DISORDERS AGE >17 W/O CC MUTRITIONAL & MISC METABOLIC DISORDERS AGE 0-17 INBORM ERRORS OF METABOLISM ENDOCRIME DISORDERS WITH CC	ENDOCRIME DISORDERS W/O CC  KIDMEY TRANSPLANT  KIDMEY, URETER & MAJOR BLADDER PROCEDURES FOR WEOPLASM  KIDMEY, URETER & MAJOR BLADDER PROC FOR NON-NEOPL WITH CC  KIDMEY, URETER & MAJOR BLADDER PROC FOR NON-NEOPL W/O CC	D PROSTATECTOMY WITH CC D PROSTATECTOMY W/D CC D MINOR BLADDER PROCEDURES WITH CC D MINOR BLADDER PROCEDURES W/D CC TRANSURETHRAL PROCEDURES WITH CC	DETHRAL PROCEDURES W/O CC  URETHRAL PROCEDURES, AGE >17 WITH CC  URETHRAL PROCEDURES, AGE >17 W/O CC  URETHRAL PROCEDURES, AGE 0-17  OTHER KIDNEY & URBARY TRACT O.R. PROCEDURES
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** DRGS 469 AND 470 CONTAIN CASES WHICH COULD NOT BE ASSIGNED TO VALID DRGS. NOTE: GEOWETRIC MEAN IS USED ONLY TO DETERMINE PAYMENT FOR OUTLIER AND TRANSFER CASES. NOTE: RELATIVE WEIGHTS ARE BASED ON MEDICARE PATIENT DATA AND MAY NOT BE APPROPRIATE FOR OTHER PATIENTS.

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AMD DIAGNOSIS RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, GEOMETRIC MEAN LENGTH OF STAY, LENGTH OF STAY OUTLIER CUTOFF POINTS USED IN THE PROSPECTIVE PAYMENT SYSTEM OF LIST

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MEDICARE DATA MAVE BEEN SUPPLEMENTED BY DATA FROM MARYLAND AND MICHIGAN FOR LOW VOLUME DRGS.

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DIAGNOSIS RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, GEOMETRIC MEAN LENGTH OF STAY, AND LENGTH OF STAY OUTLIER CUTOFF POINTS USED IN THE PROSPECTIVE PAYMENT SYSTEM LIST OF

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* MEDICARE DATA HAVE BEEN SUPPLEMENTED BY DATA FROM MARYLAND AND MICHIGAN FOR LOW VOLUME DRGS. ** DRGS 459 AND 470 CONTAIN CASES WHICH COULD NOT BE ASSIGNED TO VALID DRGS. MOTE: GEOMETRIC MEAN IS USED DALY TO DETERMINE PAYMENT FOR OUTLIER AND TRANSFER CASES. NOTE: RELATIVE WEIGHTS ARE BASED ON MEDICARE PATIENT DATA AND MAY NOT BE APPROPRIATE FOR OTHER PATIENTS.

ARD DIAGNOSIS RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, GEOMETRIC MEAN LENGTH OF STAY, LENGTH OF STAY, OF LIST

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MEDICARE DATA HAVE BEEN SUPPLEMENTED BY DATA FROM MARYLAND AND MICHIGAM FOR LOW VOLUME DRGS. DRGS 469 AND 470 CONTAIN CASES WHICH COULD NOT BE ASSIGNED TO VALID DRGS. E: GEOMETRIC NEAM IS USED ONLY TO DETERMINE PAYMENT FOR OUTLIER AND TRANSFER CASES. E: RELATIVE WEIGHTS ARE BASED ON MEDICARE PATIENT DATA AND MAY NOT BE APPROPRIATE FOR OTHER PATIENTS. 

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* MEDICARE DATA HAVE BEEN SUPPLEMENTED BY DATA FROM MARYLAND AND MICHIGAN FOR LOW VOLUME DRGS. ** DRGS 469 AND 470 CONTAIN CASES WHICH COULD NOT BE ASSIGNED TO VALID DRGS. NOTE: GEOMETRIC MEAN IS USED ONLY TO DETERMINE PAYMENT FOR OUTLIER AND TRANSFER CASES. NOTE: RELATIVE WEIGHTS ARE BASED ON MEDICARE PATIENT DATA AND MAY NOT BE APPROPRIATE FOR OTHER PATIENTS.

AND

14

DIAGNOSIS RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, GEOMETRIC MEAN LENGTH OF STAY, LENGTH OF STAY, OUTLIER CUTOFF POINTS USED IN THE PROSPECTIVE PAYMENT SYSTEM

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44444 000000 00000	4444 66666 112847	4444 8686 87880	1774	476

MEDICARE DATA HAVE BEEN SUPPLEMENTED BY DATA FROM MARYLAND AND MICHIGAM FOR LOW VOLUME DRGS.

DRGS 469 AND 470 CONTAIN CASES WHICH COULD NOT BE ASSIGNED TO VALID DRGS.

E: GEOMETRIC MEAN IS USED ONLY TO DETERMINE PAYMENT FOR OUTLIER AND TRANSFER CASES.

E: RELATIVE WEIGHTS ARE BASED ON MEDICARE PATIENT DATA AND MAY NOT BE APPROPRIATE FOR OTHER PATIENTS. MOTE:

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### TABLE 6A-NEW DIAGNOSIS CODES

Diagno- sis Code	Description	DRG	cc
088.81	Lyme disease	423	
088.89	Other specified arthropod-borne diseases	400	446
345.00	Generalized nonconvulsive epilepsy, without mention of intractable epilepsy	24 25 26	Min
345.01	Generalized nonconvulsive epilepsy, with intractable epilepsy	04 05 00	Man
345.10 345.11	deficialized convuisive epilepsy, without mention of intractable epilepsy	24 25 26	Van
345.40	Gorioratized contratisted epitebsy, with intractable epitebsy	24 26 26	Van
345.41	Partial epilepsy, with impairment of consciousness, without mention of intractable epilepsy.  Partial epilepsy, with impairment of consciousness, with intractable epilepsy.  Partial epilepsy.	24, 25, 26	No.
345.50	Partial epilepsy, without mention of impairment of consciousness, without mention of intractable epilepsy.	24, 25, 26	
345.51	Partial epilepsy, without mention of impairment of consciousness, with intractable epilepsy	24 25 26	Van
345.60	infantile spasifis, without mention of intractable epileosy	24 25 26	No.
345.61	miditure spasitis, with intractable epilepsy	24 25 26	Yes.
345.70 345.71	Chiepsia partialis continua, without mention of intractable epilepsy	24 25 26	NIn
345.80	Epilepsia partialis continua, with intractable epilepsy	24, 25, 26	Yes.
345.81	Other forms of epilepsy, without mention of intractable epilepsy	24, 25, 26	No.
345.90	Other forms of epilepsy, with intractable epilepsy.  Epilepsy, unspecified, without mention of intractable epilepsy.	. 24, 25, 26	Yes.
345.91	Epilepsy, unspecified with intractable epilepsy.	24, 25, 26	
403.00	hypertensive renal disease, malignant, without mention of renal failure	204 200 200	17
403.01	rypertensive renal disease, malignant, with renal failure	212	1/
403.10	risperiensive renai disease, benigh, without mention of renal failure	224 222 222	No.
403.11	Physiciansive renal disease, denion, with renal failure	040	Yes.
403.90 403.91	hypertensive renal disease, unspecified, without mention of renal failure	224 222 222	Al-
404.00	Hypertensive renal disease, unspecified, with renal failure	316	Yes.
404.01	Hypertensive heart and renal disease, malignant, without mention of congestive heart failure or renal failure	134	Yes.
404.02	Hypertensive heart and renal disease, malignant, with congestive heart failure.  Hypertensive heart and renal disease, malignant, with renal failure.	. 124, 127	Yes.
404.03	Hypertensive heart and renal disease, malignant, with congestive heart failure and renal failure.	124 107	Yes.
404.10	hypertensive heart and renal disease, benign, without mention of congestive heart failure or renal failure	104	Ain
404.11	riypertensive heart and renal disease, benign, with congestive heart failure	194 197	Van
404.12	riyporterisive reart and renardisease, denign, with renarralitation	216	Ven
404.13 404.90	risporterisive field and tenal disease, benign, with congestive heart failure and renal failure	124 127	Van
404.90	Type terisive fledit and renal disease, unspecified, without mention of connective heart failure or renal failure	104	Alm
404.92	risportorisive rieart and renar disease, unspecified, with connective heart failure	104 107	Men
404.93	Hypertensive heart and renal disease, unspecified, with renal failure	316	Yes.
410.00	Hypertensive heart and renal disease, unspecified, with congestive heart failure and renal failure.  Acute myocardial infarction, of anterolateral wall, episode of care, unspecified	. 124, 127	Yes.
410.01	Acute myocardial infarction, of anterolateral wall, initial episode of care	132, 133	No.
410.02	neute myocardial infarction, of anterolateral wall, subsequent enisode of care	400 400	Min
410.10	notic myodardidi imarction, of other antenor wall, subsequent episode of care unspecified	100 100	B.Lee
110.11	Acute myocardial infarction, of other anterior wall, initial episode of care	14E 104 100 100	Man
110.12	Acote myocardial infarction, of other anterior wall, subsequent episode of care	100 100	Bloc
110.21	nodio myocardiai ilitarction, of interplateral wall, episode of care unspecified	120 122	Dia.
110.22	Acute myocardial infarction, of inferolateral wall, initial episode of care	. 115, 121, 122, 123	Yes.
110.30	Acute myocardial infarction, of inferoposterior wall, episode of care unspecified	132, 133	No.
110.31	Acute myocardial initiation, of interopostenor wall, initial episode of care	145 404 400 400	Van
10.32	Acute myocardial inarction, of interoposterior wall, subsequent enisode of care	100 100	61-
10.40	Acute thyocardia illiarction, of other interior wall, episode of care unspecified	100 100	N.Ca
110.41	Accto myocaldia inarction, of other interior wall, initial episode of care	115 101 100 100	Ven
10.50	Acute myocardia inarction, of other interior wall, subsequent episode of care	100 100	616
110.51	Acute myocardial infarction, of other lateral wall, episode of care unspecified.  Acute myocardial infarction, of other lateral wall, initial episode of care.	132, 133	. No.
110.52	Acute myocardial infarction, of other lateral wall, subsequent episode of care	115, 121, 122, 123	. Yes.
10.60	nyocaldia malcuon, true posterior wall interction, episode of care unspecified	100 100	ND.
10.61	Assist myocardial infarction, true posterior wall infarction, initial episode of care	145 404 400 400	Man
10.62	rivote invocatoral infarction, true posterior wall infarction, subsequent episode of care	199 199	A.Les
10.70	myodardia inarction, subshuocardiai infarction, episode of care unspecified	120 100	6.Lea
10.72	Additional inflation, superiod and inflaton initial ensore of care	446 404 400 400	Man
10112	Acute myocardiai marcuon, supendocardiai intarction, subsequent episode of care	100 100	N.f.
10.81	Acute myocardial infarction, of other specified sites, episode of care unspecified  Acute myocardial infarction, of other specified sites, initial episode of care	132, 133	No.
10.82	Acute myocardial infarction, of other specified sites, subsequent episode of care	115, 121, 122, 123	. Yes.
0.0000000000000000000000000000000000000	A total information, unspecified site, episode of care unspecified.	199 199	B.Lm.
	Acute myocardia intarction, unspecting site, initial episode of care	146 101 100 100	Man
TO.UL	Acute myocardial indiction, unspecified site, subsequent episode of care	400 400	Alm
3 3 3 5 5 5	Addit isolitim librit disease without myocardial infarction	104 140	No min
000000000000000000000000000000000000000	other deute and subdette forms of ischemic near disease	104 140	Van
	Addition cardiac septal defect	454 444 445	Yes.
	Other certain sequelae of myocardial infarction, not elsewhere classified.  Chronic obstructive asthma (with obstructive pulmonary disease), without mention of status asthmaticus.	404 444 445	Yes.
00.E1	Chiloric obstructive asthma (with obstructive pulmonary disease) with status aethmatique	00	
01.00	will pregnancy with tetal loss and retention of one fetus, unspecified as to episode of care or not applicable	ACO	
51.31	Twin pregnancy with fetal loss and retention of one fetus, delivered, with or without mention of antepartum condition	370, 371, 372, 373, 374,	No.
		375.	110.
	Twin pregnancy with fetal loss and retention of one fetus, antepartum condition or complication	383, 384	No.
	The productive will retail loss and retention of one or more faturated unproduction as to sale at a sale a	469	No.

#### TABLE 6A-New DIAGNOSIS CODES-Continued

Diagno- sis Code	Description	DRG	CC
651.41	Triplet pregnancy with fetal loss and retention of one or more fetus(es), delivered, with or without mention of	370, 371, 372, 373, 374,	No.
	antepartum condition.	375.	20
651.43	Triplet pregnancy with fetal loss and retention of one or more fetus(es), antepartum condition or complication	383, 384	
651.50	Quadruplet pregnancy with fetal loss and retention of one or more fetus(es), unspecified as to episode of care or not applicable.	469	No.
651.51	Quadruplet pregnancy with fetal loss and retention of one or more fetus(es), delivered, with or without mention of antepartum condition.	370, 371, 372, 373, 374, 375.	No.
651.53	Quadruplet pregnancy with fetal loss and retention of one or more fetus(es), antepartum condition or complication	383, 384	No.
851.60	Other multiple pregnancy with fetal loss and retention of one or more fetus(es), unspecified as to episode of care or not applicable.	469	No.
551.61	Other multiple pregnancy with fetal loss and retention of one or more fetus(es), delivered, with or without mention of antepartum condition.	370, 371, 372, 373, 374, 375.	No.
651.63	Other multiple pregnancy with fetal loss and retention of one or more fetus(es), antepartum condition or complication	383, 384	No.
759.81	Prader-Willi syndrome	390	
759.82	Marfan syndrome	390	No.
759.89	Other specified anomalies	390	No.
996.60	Infection and inflammatory reaction due to unspecified device, implant, and graft	452, 453	Yes
996.61	Infection and inflammatory reaction due to cardiac device, implant, and graft		
996.62	Infection and inflammatory reaction due to other vascular device, implant, and graft	144, 145	
996.63	Infection and inflammatory reaction due to nervous system device, implant, and graft	34, 35	
996.64	Infection and inflammatory reaction due to indwelling urinary catheter		
996.65	Infection and inflammatory reaction due to other genitourinary device, implant, and graft		
96.66	Infection and inflammatory reaction due to internal joint prosthesis	249	
996.69	infection and inflammatory reaction due to other internal orthopedic device, implant, and graft	249	
996.70	Infection and inflammatory reaction due to other internal prosthetic device, implant, and graft	452, 453	
996.71	Other complications due to thispecified device, implant, and grant.	452, 453 144, 145	
996.72	Other complications due to other cardiac device, implant, and graft.		
95.73	Other complications due to renal dialysis device, implant, and graft		
96.74	Other complications due to other vascular device, implant, and graft		
96.75	Other complications due to nervous system device, implant, and graft		
995.76	Other complications due to genitourinary device, implant, and graft		
96.77	Other complications due to internal joint prosthesis.		
96.78	Other complications due to other internal orthopedic device, implant, and graft		
96.79	Other complications due to other internal prosthetic device, implant, and graft	452, 453	Yes
/23.7	Insufficient prenatal care		Yes
V30.00	Single liveborn, born in hospital, delivered without mention of cesarean section		
/30.01	Single liveborn, born in hospital, delivered by cesarean section		
/31.00	Twin, mate liveborn, born in hospital, delivered without mention of cesarean section	391	
/31.01	Twin, mate liveborn, born in hospital, delivered by cesarean section	391	
/32.00	Twin, mate stillborn, born in hospital, delivered without mention of cesarean section		
/32.01	Twin, mate stillborn, born in hospital, delivered by cesarean section	391	
/33.00	Twin, unspecified, born in hospital, delivered without mention of cesarean section	391	
34.00	Twin, unspecified, born in hospital, delivered by cesarean section	391	
/34.01	Other multiple, mates all liveborn, born in hospital, delivered without mention of cesarean section	391	
35.00	Other multiple, mates all stillborn, born in hospital, delivered by desarean section.	391	
35.01	Other multiple, mates all stillborn, born in hospital, delivered by cesarean section	391	
36.00	Other multiple, mates live- and stillborn, born in hospital, delivered without mention of cesarean section		
/36.01	Other multiple, mates live- and stillborn, born in hospital, delivered by cesarean section	391	
/37.00	Other multiple, unspecified, born in hospital, delivered without mention of cesarean section	391	
37.01	Other multiple, unspecified, born in hospital, delivered by casarean section.	391	
/39.00	Unspecified, born in hospital, delivered without mention of cesarean section		0.000
V39.01	Unspecified, born in hospital, delivered by cesarean section	391	

#### TABLE 6B-New PROCEDURE CODES

Procedure Code	Description	DRG
.75	Radial Keratotomy  Epikeratophakia  Tracheoesophageal fistulization. Endoscopic excision or destruction of lesion or tissue of bronchus. Other local excision or destruction of lesion or tissue of bronchus.	42: 442, 443
.76	Epikeratophakia 1	40, 41; 442, 443
.95	Tracheoesophageal fistulization	Non-OB
.01	Endoscopic excision or destruction of lesion or tissue of bronchus	Non-OR, 412
.09	Other local excision or destruction of lesion or tissue of bronchus	75
28	Endoscopic excision or destruction of lesion or tissue of lung  Venous catheterization for renal dialysis.  Endoscopic excision or destruction of lesion or tissue of esophagus.  Percutaneous [endoscopic] gastrostomy [PEG]  Other gastrostomy  Endoscopic control of gastric or duodenal bleeding.	Non-OR, 412
95	Venous catheterization for renal dialusis	Non-OR
33	Endoscopic excision or destruction of lesion or tissue of econhague	Non-OR, 412
11	Parcitaneous Candiscopic Castrotomy [DEG]	Non-OR
19	Other nastrostomy	Non-OR
43	Endoscopic control of gestric or duodenal blanding	Non-OR
44	Transcathater embolization for gastric or displayed blooding	Non-OR
49	Other control of hemorrhage of stomach or disclosure	Non-OR
30	Endoscanic avvision or destruction of lesion of dividence	Non-OR, 412
43	Endoscopie excisión di destruction di resolt di Quodella di constanti	Non-OR, 412
22	Parenthagonia Fondagonaria internetiana (DE)	Non-OR
06	Transcatheter embolization for gastric or duodenal bleeding.  Other control of hemorrhage of stomach or duodenal bleeding.  Other control of hemorrhage of stomach or duodenum.  Endoscopic excision or destruction of lesion of duodenum.  Endoscopic destruction of other lesion or tissue of large intestine.  Percutaneous [endoscopic] jejunostomy [PEJ].  Dilation of colon	Non-OR
.03	Endown of Cook	Non-OH
J1	Endoscopic excision or destruction of lesion or tissue of anus	Non-OR, 412

#### TABLE 6B—New Procedure Codes—Continued

Procedure Code	Description	DRG
9.39	Other local excision or destruction of lesion or tissue of anus	157, 158; 267
1.10	Endoscopic retrograde cholangiopancreatography [ERCP]	Non-OR, 412
1.14	Other closed [endoscopic] biopsy of biliary duct or sphincter of Oddi	Non-OR, 412
1.15	Pressure measurement of sphincter of Oddi	Non-OP
1.64	Endoscopic excision or destruction of lesion of billary ducts or sphincter of Oddi	Non-OR, 412
1.84	Endoscopic dilation of ampulla and biliary duct	Non-OR, 412
1.85	Endoscopic sphincterotomy and papillotomy	Non-OD 412
1.86	Endoscopic insertion of nasobiliary drainage tube	Non-OR, 412
1.87	Endoscopic insertion of stent (tube) into bile duct	Non-OR, 412
1.88	Endoscopic removal of stone(s) from biliary tract.	Non-OR
2.13	Endoscopic retrograde pancreatography [ERP]	Non-OR, 412
2.14	Closed [endoscopic] biopsy of pancreatic duct	Non-OR, 412
2.21	Endoscopic excision or destruction of lesion or tissue of pancreatic duct	Non-OR, 412
2.22	Other excision or destruction of lesion or tissue of pancreas or pancreatic duct	NON-UH, 412
2.97	Endoscopic insertion of recomprehensive desired by the	
2.98	Endoscopic insertion of nasopancreatic drainage tube Endoscopic dilation of pancreatic duct	Non-OH, 412
7.17	Dergitance a whether	Non-OR, 412
7.18	Percutaneous cystostomy	Non-OR
7.10	Other suprapubic cystostomy	
7.58	Panair of hammer too	406, 407; 442, 443
7.57	Repair of hammer toe	225
7.58	Repair of claw toe	
1.40	Other excision, fusion, and repair of toes	225; 442, 443
1.52	Repair of hip, not elsewhere classified	210, 211, 212; 442, 443
	Partial hip replacement	209; 292, 293; 442, 443; 47
1.53	Revision of hip replacement	209; 292, 293; 442, 443; 17
1.54	Total knee replacement	
1.55	Revision of knee replacement	
1.56	Total ankle replacement	209; 442, 443; 471
1.57	Replacement of joint of foot and toe	225; 442, 443
1.72	Arthroplasty of metacarpophalangeal and interphalangeal joint without implant	7, 8; 228; 441
1.73	Total wrist replacement.	209; 442, 443
1.74	Arthroplasty of carpocarpal or carpometacarpal joint with implant	
1.75	Arthroplasty of carpocarpal or carpometacarpal joint without implant	
1.80	Total shoulder replacement	
8.97	Magnetic resonance imaging of other and unspecified sites	Non-OR
8.98	Bone mineral density studies 1	Non-OR
9.10	Intracarotid amobarbital test	Non-OR
9.19	Video and radio-telemetered electroencephalographic monitoring	Non-OR
4.61	Alcohol rehabilitation	436
4.62	Alcohol detoxification	Non-OR
4.63	Alcohol rehabilitation and detoxification	437
4.64	Drug rehabilitation	436
4.65	Drug detoxification	Non-OR
4.66	Drug rehabilitation and detoxification	437
4.67	Combined alcohol and drug rehabilitation	436
4.68	Combined alcohol and drug detoxification	Non-OR
4.69	Combined alcohol and drug rehabilitation and detoxification	437
7.05	Replacement of stent (tube) in biliary or pancreatic duct	Non-OR
B.51	Extracorporeal shockwave lithotripsy [ESWL] of the kidney, ureter and/or bladder	Non-OR 323
8.52	Extracorporeal shockwave lithotripsy [ESWL] of the gallbladder and /or bile duct 1	Non-OR
8.59	Extracorporeal shockwave lithotripsy of other sites 1	

¹ These procedures are not covered under Medicare. See Medicare Coverage Issues Manual 35–54; 35–81 and 50–44. Procedures potentially classified under code 98.59 will be evaluated for Medicare Coverage as they are developed.

### TABLE 6C—REVISED PROCEDURE CODE TITLES AND INCLUSION TERMS THAT AFFECT DRG ASSIGNMENT

Procedure Code	Description	DRG
88.93	Venous catheterization, not elsewhere classified	. No change
3.41	Endoscopic excision or destruction of lesion or tissue of stomach	Non-OR: 412
15.41	Excision of lesion or tissue of larger intestine	. No change
15.42	Endoscopic polypectomy of large intestine	Non-OR: 412
51.11	Endoscopic retrograde cholangiography [ERC]	Non-OR; 412
51.12	Excision of lesion or tissue of larger intestine  Endoscopic polypectomy of large intestine  Endoscopic retrograde cholangiography [ERC]  Percutaneous biopsy of gall-bladder or bile ducts	Non-OR
1.82	Pancreatic sphincterotomy	. 154, 155, 156; 191, 192; 442
		440
2.92	Cannulation of pancreatic duct	. No change
2.93	Endoscopic insertion of stent (tube) into pancreatic duct 1	Non-OR: 412
2.94	Endoscopic removal of stone(s) from pancreatic duct 1	Non-OR
2.99	Cannulation of pancreatic duct  Endoscopic insertion of stent (tube) into pancreatic duct ¹ Endoscopic removal of stone(s) from pancreatic duct ¹ Other operation on pancreas, not elsewhere classified ¹	. 170, 171; 191, 192; 442, 443
7.19	Other cystostomy	. 308, 309; 442, 443
7.21	Other cystostomy	. 308, 309; 344, 345; 360; 400
		406 407- 442 443
7.22	Revision or closure of vesicostomy	. 308, 309; 344, 345; 365; 400
		406 407 442 443
7.54	Excision or correction of bunionette	No change
1.02	Other cervical fusion, anterior technique	4: 214, 215: 442, 443

### TABLE 6C—REVISED PROCEDURE CODE TITLES AND INCLUSION TERMS THAT AFFECT DRG ASSIGNMENT—Continued

Procedure Code	Description	DRG
1.03	Other cervical fusion, posterior technique  Dorsal and dorsolumbar fusion, anterior technique  Dorsal and dorsolumbar fusion, posterior technique  Lumbar and lumbosacral fusion, anterior technique  Lumbar and lumbosacral fusion, lateral transverse process technique  Lumbar and lumbosacral fusion, posterior technique  Refusion of spine, any level or technique  Total hip replacement  Revision of joint replacement, not elsewhere classified.	4; 214, 215; 442, 443
1.04	Dorsal and dorsolumbar fusion, anterior technique	4; 214, 215; 442, 443
.05	Dorsal and dorsolumbar fusion, posterior technique	4; 214, 215; 442, 443
1.06	Lumbar and lumbosacral fusion, anterior technique	4: 214, 215; 442, 443
1.07	Lumbar and lumbosacral fusion, lateral transverse process technique	4: 214, 215; 442, 443
.08	Lumber and lumbosacral fusion, posterior technique	4: 214, 215: 442, 443
.09	Refusion of spine, any level or technique	4; 214, 215; 442, 443
.51	Total hip replacement	209: 442. 443: 471
59	Revision of joint replacement, not elsewhere classified.	233, 234; 442, 443
.71	Arthroplasty of metacarpophalangeal and interphalangeal joint with implant	7. 8: 228: 441
.79	Other repair of hand, fingers, and wrist	7. 8: 228: 441
.81	Partial shoulder replacement	209: 442. 443
.84	Arthroplasty of metacarpophalangeal and interphalangeal joint with implant Other repair of hand, fingers, and wrist. Partial shoulder replacement. Total elbow replacement Monitoring of cardiac output by other technique.	209: 442. 443
.68	Monitoring of cardiac output by other technique	Non-OR

¹ The notes for code 52.99 were revised to include the open procedures formerly included in codes 52.93 and 52.94, thus adding 52.99 to DRGs 170 and 171.

#### TABLE 6D-EXPANDED DIAGNOSIS CODES THAT ARE NO LONGER ACCEPTED IN GROUPER 1

Diagnosis Code	Description	DRG
88.8	Other specified arthropod-borne diseases	423
45.0	Generalized nonconvulsive epilepsy	24, 25, 26
45.1	Generalized convulsive epilepsy	
45.4	Partial epilepsy, with impairment or consciousness.	
45.5	Partial epilepsy, without mention of impairment of consciousness	
45.6		
45.7	Epilepsia partialis continua	
45.8	Other forms of epilepsy	
45.9	Epilepsy, unspecified	
03.0	Hypertensive renal disease, malignant	
03.1		
03.9	Hypertensive renal disease, unspecified	331, 332, 333
04.0	Hypertensive heart and renal disease, malignant	
04.1	Hypertensive heart and renal disease, benign	
04.9	Hypertensive heart and renal disease, unspecified	
10.0	Acute myocardial infarction, of anterolateral wall	
10.1	Acute myocardial infarction, of other anterior wall	
10.2	Acute myocardial infarction, of inferolateral wall	
10.3	Acute myocardial infarction, of inferoposterior wall	
10.4	Acute myocardial infarction, of other inferior wall	
10.5	Acute myocardial infarction, of other lateral wall	
10.6	True posterior wall infarction	
10.7	Acute myocardial infarction, subendocardial infarction	
10.8	Acute myocardial infarction of other specified sites	
10.9	Acute myocardial infarction, unspecified site	
11.8	Other acute and subacute forms of ischemic heart disease, unspecified	
59.8	Other specified congenital anomalies	
96.6	Infection and inflamatory reaction due to internal prosthetic device, implant, and graft	
96.7	Other complications of internal prosthetic device, implant, and graft	
30.0	Single liveborn, born in hospital.	391
31.0	Twin, mate liveborn, born in hospital	391
32.0	Twin, mate stillborn, born in hospital	
33.0	Twin, unspecified, born in hospital	
34.0	Other multiple, mates all liveborn, born in hospital	
35.0	Other multiple, mates all stillborn, born in hospital	
36.0	Other multiple, mates live- and stillborn, born in hospital.	
37.0		
39.0		

¹ See Table 6a for New Diagnosis Codes (5 digits).

#### TABLE 6E-DELETED PROCEDURE CODES

Procedure Code	Description	DRG
	Local excision or destruction of lesion or tissue of bronchus	75
43.1 43.2	Temporary gastrostomy  Permanent gastrostomy	Non-OR Non-OR
49.3	Local excision or destruction of other lesion or tissue of anus.	
52.2	Therapeutic endoscopic procedures on biliary tract, oral route  Local excision or destruction of pancreatic lesion	Non-OH 191, 192; 292, 293
52.91	Endoscopic retrograde cannulation of pancreatic duct [ERCP]	Non-OR
9.95		Non-OR 225; 442, 443
31.31	Arthroplasty of foot and toe with synthetic prosthesis	7, 8; 225; 442, 443
1.39	Other arthroplasty of foot and toe	7, 8; 225; 442, 443

### TABLE 6E—DELETED PROCEDURE CODES—Continued

Procedure Code	Description	DRG		
81.61 81.62 81.63 81.64 81.69 81.69 81.86	Total knee replacement Total ankle replacement Replacement of head of femur with use of methyl methacrylate Other replacement of head of femur Replacement of acetabulum with use of methyl methacrylate. Other replacement of acetabulum Other repair of hip Arthroplasty of carpals with synthetic prosthesis Other repair of wrist Magnetic resonance imaging of other and unspecified sites.	209; 292, 293; 442, 443; 47 209; 292, 293; 442, 443; 47 209; 442, 443; 471 209; 442, 443; 471		

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Table 6f -- Additions to the CC Exclusions List

CCs that are added to the list are in Table 6f--Additions to the CC Exclusions List. Each of the principal diagnoses is shown with an asterisk, and the revisions to the CC Exclusions List are provided in an indented column immediately following the affected principal diagnosis.

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*25060	34581	34551	34591	34510	34510	40311	40493
34501		34561	7803	34511	34511		*40290
34510		34571	*34570	3452	34541		40300
34511	*34511	34581	34501	3453	34551	40401	40300
34541	34501	34591	3/510	24541	34561	40402	
34551	34510	7803	34511	34551	34571		40311
34561	34511	*34550	3452	34551	34581		40391
34571	3452	34501	3452 3453	34301	34381		40400
34581		34510	3453	34571	34591 *4010		40401
34591		34511	34551	34501	*4010	40413	40402
	34551	34511	34561	7803	40300	40491	40403
34501	34561	3432	34501	1803	40301	40492	40411
34510		3455	34571 34581	*34591	40311		40412
34511		34341	34581	34501	40391		40413
34541		34551	34591	34510	40400	40300	40491
34551		34561	7803	34511	40401	40301	40492
24551	7803	345/1	*34571	3452	40402	40311	
34301	*3452 34501 34510	34581	34501	3453	40403		*40291
345/1	34501	34591	34510	34541	40411		40300
34581	34510	7803	34511	34551	40412	40401	40301
34391	34511	*34551	3452	34561	40413	40402	10777
*34500		34501	3453	34571	40491	40403	40391
	34551	34510	34541	34581	40492	40411	40400
34510		34511	34551	34591	10102	10112	40401
		3452	34561	7803	*4011	40413	40402
	34581	3453	34571	*3488	40300	40491	40403
3453	34591	34541	34581	34501	40301	40492	10177
34541	*3453	34551	34591	34510	40311	40493	40412
34551	34501	34561	7803	34511	40391	*40210	40413
34561	34510	34571	*34580	2/5/1	40400	40300	40413
34571	34511 34541	34581	34501	34551	40401	40300	40491
34581	34541	34591	34510	34561	40401	40301	40492
34591	34551	7803	34511	34571	40402 40403	40311	
7803		*34560	3452	34581	40411	40391	*40300
*34501		34501	3453	34591	40411	40400	4010
34501	34581	34510	3/5/1	+2400			40200
34510	34591	34511	34551			40402	40201
. 34511	*34540	3452	34551	34501	40491 40492 40493	40403	40211
	34501	2772	3430T	34510	40492	40411	40291
	34510	34541	34571	34511	40493	40412	40300
34541	34511	34551		34541	*4019	40413	40301
34551			34591	34551	40300	40491	
34561	3452	34301	1803	34561	40301	40492	40391
34571	2453	34571 34581	*34581	34571	40311	40493	40400
34581	34561	34581	34501	34581	40391	*40211	* 40401
	34551	34591	34510	34591	40400	40300	40402
34591 7803	34561	7803	34511	*34989	40401	40301	40403
+34510	345/1	*34561	3452	34501	40402	40311	40411
34510	34581 34591 7803	34501	3453	34510	40403	40391	40412
34501	34591	34510	34541	34511	40411	40400	40413
34510	7803	34511	34551	34541	40412		
21211	14041	3452	34561	2/551	40443	40400	
3452	34501	3453	34571	34561	40491	40403	40493
3453	34510	34541	34581	34571	40492	40411	40501
	34511	34551	34591	34581	40493	10112	40509
34551	3452	34561	7803	3/1501	+10200	10117	*40301
34561	3453	34571	*34590	*3499	40300	40413	
34571	34541	34581	34501	30501	40300		
			21301	34301	4,0301	40492	40200

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40201	40412	40291	40491	40301	40493	40391	40401
40211	40413	40300	40492	40311	40501	40400	40402
40291	40491	40300	40493	40391	40493 40501 40509	40401	40403
40300	40492	40311	40501	40400	*40490	40402	40411
					4010		40412
40311	40501	40400	*40403	40402	40200		40413
40391	40509	40401	4010	40403	40201	40412	40491
40400	*40390	40402	40200	40411	40211	40413	40491 40492
40400	40509 *40390 4010	40402	40200	40412	40291	40491	40493
40402	4010	40403	40201	40412	40300	40492	*40511
40402	40201						
40411	40211	40413	40300	40492	40311	40501	40301
40412	40211	40413	40300	40493	40391	40509	40311
	40291	40491	40301	40501	40391 40400 40401	*40493	40391
40413	40300	40493	40391	40509	40401	4010	40400
40492	40301	40501	40400	*40412	40402	40200	40401
40493		40509	40401		40403		40402
40501	40391	*40401	40401	40200	40411	40211	40403
40509	40400	4010	40402	40200	40411 40412 40413 40491	40291	40411
*40310	40401	40200	40403	40201	40413	40300	40412
4010	40402	40200	40411	40211	40413	40300	40413
40200	40403	40201	40412	40300	40492	40311	40491
40201		40291				40391	
40211	40412	40300	40491	40301	40501	40400	
40291	10413	40300	40492	40311	40501	40400	*40519
	40491	40301	40501	40400	40509 *40491	40402	40300
40300 40301	40492	40391	40501	40400	4010	404.03	40300
40301					40200		
40391		40401				40412	
40400	*40309	40402	40200	40403	40201	40413	
40401	4010	40402	40200	40411	40291	40491	40401
	40200	40403 40411	40201	40412	40291	40491 40492	40402
40402	40201	40412	40291	40491	40300	40493	40403
40411	40211	40413				40501	
40412		40491					40412
40413	40300		40311	40501	40400	*40501	
40491	40301	40493	40391	40509	40401	40300	40491
40492	40311	40493 40501	40400	*40413	40401 40402	40301	40492
40493	40301 40311 40391	40509	40401	4010	40403	40311	40493
40501	40400	*40402	40402	40200	40411	40391	*40591
	40401	4010	40403	40201	40412	40400	
	40402						
4010	40403	40201	40412	40291	40491	40402	40311
40200	40411	40211	40413	40300	40491 40492	40403	40391
40201	40412	40291	40491	40301	40493	40411	40400
40211	40413	40300	40492	40311	40501	40412	40401
40291	40491				40509		
	40492	40311	40501	40400	*40492	40491	40403
40301	40493	40391	40509	40401	4010	40492	40411
40311	40493 40501 40509	40400	*40411	40402	40200	40493	40412
40391	40509	40401	4010	40403	40201	*40509	40413
40400	*40400	40402	40200	40411	40211	40300	40491
	4010					40301	
40402	40200	40411	40211	40413		40311	40493
40403	40201	40412	40291	40491	40301	40391	*40599
40411	40211	40413	40300	40192	40301	40400	40300
10111	10211	10113	10300	10152	10311	10400	10000

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40301	41081	4130	41011	41061	41191	*41061	11011
40311	41091	4131	41021	41071	41189	41001	41051
40391				41081	4130		41061
40400	41181	*41020	41041	41081	4131	11001	41071
	41189	41001	41051	4111	4131	41021	41081
	4130	41011	41061	41181	*/1051	41041	41001
	4131	41021	41071	41189	41001	41041	41091
40411	4139	41031	41091	41103	41001		
40412	*41010	41041	41001	4130	41011		
40413	41001	41051	4111	4130 4131 4139	41021	41071 41081	41189
40491	41011	41061	4111	*41041	41041	41081	4130 4131
40492	41021	41071	41101	41001	41041	41091	4131
40493	41031	41081	4130	41001	41051	41181	4139
*41000	41041	41091	4131	41011 41021 41031 41041	41001	41181	
41001	41051	4111	4130	41021	41071	41109	41001
41011	41061	41181	*41031	41031	41001	4130 4131	41011
41021	41071	41189	41001	41051	41091	4131	41021
41031	41081	4130	41001	41061	4111	*41062	
41041	41091	4131	41011	41001	41181		
41041 41051	4111	4130	41021	41071 41081 41091	41189	41001	
41061	41181	*41021	41031	41001	4130	41011	41061
41071	41189	41001	41041	4111	4131 4139	41021	41071
	4130	41011	41051	41181	4139	41031 41041	41081
41091	4131	41011	41001	41181	*41052	41041	41091
4111	4139	41021	41071 41081 41091 4111	41189	41001		
41181	*41011	41031	41001	4130	41011	41061	
41189	41001	41051	41091	4131	41021		41189
4130	41011	41051	4111	4131 4139 *41042	41031	41081	4130
4131	41021	41071	41101	41001	41041	41091	4131
	41031	41071	41189	41001	41051	4111	4139
*41001	41031 41041	41001	4130	41011	41061	41181	*41080
41001	41051	4111	4131	41021 41031 41041	41071	41189	41001
41011	41061	41181	*41033	41031	41081	4130	41011
41021	4 () (	41189	47007	11051	4777	4720	41021
41031	4 1 11 8 1	4730	17011	41001		4139	41031
41041	41091	4131	41011	41061 41071 41081 41091 4111	41181	*41070	41041
41051	4111	4139	41021	41071	41189		
41061	41181	*41022	41031	41081	4130	41011	41061
41071	41189	41001	41041	41091	4131	41021	41071
41081	4130	41011	41031	41181	4139		41081
41091	4131	41021	41001	41189	41060		
	4139	41031	41071	4130	41001	41051	4111
41181	*41012	41041	41001	4130	41011	41061	41181
	41001	41051	41031	4131 4139	41021	41071	41189
4130	41011	41061	4111	*41050	41031	41081	4130
4131	41021	41071	41189	41050		41091	4131
4139		41081	41103	41001	41051	4111	4139
	41041	41091	4130	41021	41061	41181	*41081
		4111	4131	41021	41071	41189	41001
41011	41061	41191	*41040	41031			41011
41021	41071	41101	41040	41041	41091		41021
41031	41081	41109	41001 41011	41051	4111		41031
41041	41091	4131	41021	41061	4118_	*41071	41041
41051		4139	41021	41071	41189	41001	41051
41061		*41020	41031		4130	4 ()	4 1 1 1 1
			41041		4131	41021	41071
110/1	41103	41001	41051	4111	4139	41031	41081

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41091	4131	*4220	4290	*45989	42971	49321	*53321
4111	4139	42971	4294	40300	42979	*49391	9981
41181	*41092	42979 *42290	4295	40301	*4911	49320	*53340
41189	41001	*42290	4296	40311	49320	49321	9981
4130	41011	42971	42971	40391	49321	*5178	*53341
4130	41021	42979	42979	40400	*4912	49320	9981
4131	41021	*42201	42979	40400	49320	49321	*53360
+41002	41031	*42291 42971 42979	12002	40401	49320	*51889	9981
41002	41041	12070	7/50	40402	*1010	10330	*53361
41001	41051	*42292	74510	40403	4910	49320	9991
41011	41001	42971	74510	40411	49320	+5100	*53400
	41071	42911	74511	40412	+1010	10320	0001
41031	41081	42979	74512	40413	4919	49320	*53401
41041	41091	*42293 42971	74519	40491	49320	+5100	0001
41051	4111	42971 42979	7452	40492	49321	40330	7501
41001	41181	*42299	7453	40493	4920	49320	0001
41071	41189	142299	7454	41001	49320	49321	*E3431
41081	4130	42971	74560	41011	49321	10001	0001
41091	4131	42979	74569	41021	*4928	9981	9981
4111	4139	42979 *42789 4260 42612	1457	41031	49320	*53100	^53440
41181	*4110	4260	*42919	41041	49321	9981	9981
41189	41181	42612	3980	41051	*49300	*53101	^53441
4130	41189	42613	4220	41001	49320	9981	9981
4131	4111	42653	42290	41071	49321	*53120	*53460
4139	41181	42654 4266 4267	42291	41081	*49301 49320 49321	9981	9981
*41090	41189	4266	42292	41091	49320	*53121	*53461
41001	*41181	4267	42293	41181	49321	9981	9981
		42681					*5350
	4111	42689	4290	42971	49320	9981	9981
41031	41181	4269	4294	42979	49321	*53141	*5693
41041	41189	4270 4271 4272 42731 42732	4295	*4599	*49311	9981	9981
41051	4130	42/1	4296	40300	49320	*53160	*5780
41061	4131	4272	42971	40301	49321	9981	9981
41071	4139	42731	42979	40311	*49320	*53161	*5781
41001	*41189	42732 42741	42981	40391	4911	9981	9981
41091	4110	42741	42982	40400	4912	*53200	*5789
4111	4111	42742	7450	40401	4918	9981	9981
41181	41181	42742 *4290 42971	74510	40402	4919	*53201	* 7450
41189	41189	42971	74511	40403	4928	9981	42971
		42979					
	4131	*4294	74519	40412	49311	9981	*74510
4139	4139	42971	7452	40413	49320	*53221	42971
*41091	*4130	42979	7453	40491	49321	9981	42979 *74511
41001	41181	*4295 42971 42979	7454	40492	49391 *49321	*53240	*74511
41011	41189	42971	74560	40493	*49321	9981	42971
41021	*4131	42979	74569	41001	4911	*53241	42979
41031	41181	*4296	7457	41011	4912	9981	*74512
41041	41189	42971	*42981	41021	4918	*53260	42971
	*4139	42979	42971	41031	4919	9981	42979
41061	41181 41189	42979 *42971	42979	41041	4928 49301 49311	*53261	*74519
41071	41189	3980	*42982	41051	49301	9981	42971
41081	*4148	4220	42971	41061	49311	*53300	42979
		42290	42979	41071	49320	9981	*7452
4111					49321	*53301	
	*4149	42292			49391	9981	42979
41189	41181	42293			*49390	*53320	*7453
4130	41189	42299	9981	41189	49320	9981	42971

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42979	7452	74684	99661	99665	*99659	99662	99659
*7454	7453	74686	99662	99669	99660	99669	99660
42971	7454	74711	99669	99670	99661	99670	99661
42979	74560	74722	99670	99676	99662	99671	
*7455	74569	*75989		99679	99663		99662
42971	7457	42971	99674	*99639		99672	99663
42979	74601	42979	99679	99660	99665		99664
*74560	74602	74100	*99602	99664		99679	
42971	7461	74101	99660	99665	99666	*99663	99666
42979	7462	74102	99661	99665	99667	9962	99667
*74561	7463	74103	99662	99669	99669	99660	99669
42971	7464	74190		99670			99670
42979	7465	74191	99669	99676	-21 00 00 00 00 00 00 00		99671
*74569	7466	74192	99670	99679		99670	99672
42971	7467		99671	*9964	99673	99675	99673
42979			99672	99660	99674	99679	99674
*7457	74681	7450	99674	99666	99675	*99664	99675
42971	74682	74510	99679	99667		99630	99676
	74683	74511	*99603		99677	99639	99677
42979	74684	74512	99660	99670	99678	99660	99678
*7458	74686	74519	99661	99677	99679	99664	99679
42971	74711	7452	99662	99678	*99660	99665	*99670
42979	74722	7453		99679	99659	99669	99600
*7459	*75982	7454	99670	*99651	99660	99670	99659
42971	42971	74560	99674	99660	99661	99676	99660
42979	42979	74569	99679	99669	99662	99679	99661
*74689	74100	7457	*99609	99670	99663	*99665	99662
42971	74101	74601	99660	99679	99664	99630	99663
42979	74102	74602	99661	*99652	99665	99639	99664
*7469	74103	7461	99662	99660	99666	99660	99665
42971	74190	7462	99669	99661	99667	99664	99666
42979	74191	7463	99670	99662	99669	99665	99667
*74789	74192	7464	99671	99663	99670	99669	
42971	74193	7465	99672	99665	99671		99669
42979	7450	7466	99674	99666	99672	99670	99670
*7479	74510	7467	99679	99667	99673	99676	99671
42971	74511	74681	*9961	99669		99679	99672
42979	74512	74682	99660	99670	99674	*99666	99673
*7597	74519	74683	99661		99675	9964	99674
42971	7452	74684	99662	99671	99676	99660	99675
42979	7453	74686		99672	99677	99666	99676
*75981	7454		99669	99673	99678		
42971	74560	74711	99670	99674	99679		99678
42979	74569	*7724	99671	99675	*99661	99670	99679
74100	7457		99672	99676	99600	99677	*99671
74101		9981	99673	99677	99660	99678	99600
74102	74601	*99600	99674	99678	99661	99679	99660
	74602		99679	99679	99662	*99667	99661
74103	7461	99661	*9962	*99653	99669	9964	99662
74190	7462	99662	99660	99660	99670	99660	99669
74191	7463	99669	99663	99669	99671	99666	99670
74192	7464	99670	99669	99670	99672	99667	99671
74193		99671	99670	99679	99674	99669	99672
7450		99672	99675	*99654	99679	99670	99674
74510	7467	99674	99679	99660	*99662	99677	99679
74511	74681	99679	*99630	99669	99600	99678	*99672
74512	74682	*99601	99660	99670	99660	99679	99600
74519	74683	99660	99664	99679	99661	*99669	
		120000000000000000000000000000000000000		22012	22001	23009	99660

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99661	99677	99661	*V237
99662	99678	99662	V237
99669	99679	99663	V238
99670	*99678	99664	V239
99671	9964	99665	
99672	99660		*V238
		99666	V237
99674	99666	99667	*V239
99679	99667	99669	V237
*99673	99669	99670	
99600	99670	99671	
99660	99677	99672	
99661	99678	99673	
99662	99679	99674	
99669	*99679	99675	
99670	99659	99676	
99671	99660	99677	
99672	99661	99678	
99673	99662	99679	
99674	99663	*9989	
99679	99664	99660	
*99674	99665	99661	
99600	99666	99662	
99660			
	99667	99663	
99661	99669	99664	
99662	99670	99665	
99669	99671	99666	
99670	99672	99667	
99671	99673	99669	
99672	99674	99670	
99674	99675	99671	
99679	99676	99672	
*99675	99677	99673	
9962	99678	99674	
99660	99679	99675	
99663	* 9979	99676	
99669	99660	99677	
99670	99661	99678	
99675	99662	99679	
99679	99663	*V220	
*99676	99664	V237	
99630		*V221	
99639	99665		
	99666	V237	
99660	99667	*∀222	
99664	99669	V237	
99665	99670	*∀230	
99669	99671	V237	
99670	99672	*V231	
99676	99673	V237	
99679	99674	*V232	
*99677	99675	V237	
9964	99676	*V233	
99660	99677	V237	
99666	99678	*V234	
99667	99679	V237	
99669	*9988	*V235	
99670	99660	V237	
33010	22000	1231	

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Table 6q -- Deletions to the CC Exclusions List

CCs that are deleted from the list are in Table

6g--Deletions to the CC Exclusions List. Each of the

principal diagnoses is shown with an asterisk, and the

revisions to the CC Exclusions List are provided in an

indented column immediately following the affected principal

diagnosis.

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*25060	*3488	4010	4040	4106	4139	4139	*4262
3451	3451	40200	*4100	4107	*4107	4139 *4130	42610
*25061	*3489		4100		4100	4118	42611
3451	3451	40211		4109	4101	*4131	4262
*25080			4102			4118	
3451	3451	4030	4103	4118	4103	*4139	4264
*25081		4030 4040	4104	4130	4104	4118	42650
3451	. 3451	40501	4105	4130 4131	4105	4118 *4148	42651
*25090	*4010	40509	4106	4139	4106	4118	42652
3451	4030				4107	4118 *4149	*4263
*25091				4100	4108	4118	42610
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3453	*40201			4111		*42610	
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3451	*40210	40211	4105	4131	4105	4262	4264
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*3457	4030			*4106	4107	4262	4264
3451		*40509	4108	4100	4108	4263	42650
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3453	40509		4111	4102	4111	42650	42652
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*3458	4010	4030	4130	4104	4130		
3451	40200	4040	4131	4105		*42613	
3452	40201	*40519	4139	4106	4139	42610	4262
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*3459	4030	*40591	4101	4109	*4118		42650
3451	4040			4111	4111		42651
3452	40501	4040	4103	4118	4118		42652
3453		*40599	4104	4130	4130		*42653
7803	*4039	4030	4105	4131	4131	42652	42610

Page 3 of 3

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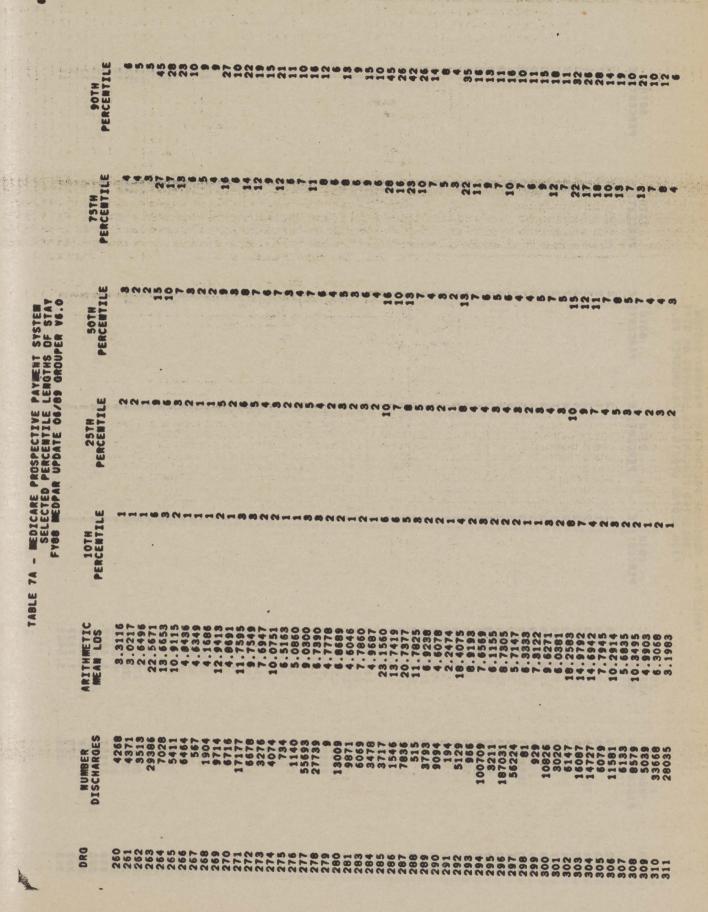
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TABLE 8.—STATEWIDE AVERAGE COST-TO-CHARGE RATIOS FOR URBAN AND RURAL HOSPITALS

[Case Weighted]

State	Urban	Rural
Alabama	0.5349	0,5803
Alaska	0.6668	0.8320
Arizona	0.6131	0.6490
Arkansas	0.6351	0.6208
California	0.6015	0.6056
Colorado	0.6228	0.6764
Connecticut	0.7298	0.7799
Delaware	0.6138	0.6293
District of Columbia	0.6270	
Florida	0.5561	0.5481
Georgia	0.6421	0.6108
Hawaii	0.6139	0.7264
Idaho	0.7301	0.7205
Illinois	0.6050	0.6755
Indiana	0.7320	0.7460
lowa	0.6600	0.7469
Kansas	0.6394	0.7577
Kentucky	0.6328	0.6035
Louisiana	0.6025	0.6274
Maine	0.7177	0.0274
	0.7454	0.7058
Maryland	0.6880	0.7614
	0.6251	0.7068
Michigan Minnesota		
	0.7048	0.7402
Mississippi	0.6315	0.6381
Missouri	0.6011	20112000000
Montana	0.6917	0.6958
Nebraska	0.6298	0.7070
Nevada	0.5179	0.7496
New Hampshire	0.7290	0.7470
New Jersey	0.7300	0.0070
New Mexico	0.6274	0.6079
New York	0.6480	0.7621
North Carolina	0.6912	0.6228
North Dakota	0.7878	0.7042
Ohio	0.6767	0.6926
Oklahoma	0.6151	0.6423
Oregon	0.6701	0.7058
Pennsylvania	0.5631	0.6165
Puerto Rico	0.5388	0.6198
Rhode Island	0.7645	
South Carolina	0.6109	0.5823
South Dakota	0.6280	0.6918
Tennessee	0.5837	0.6004
Texas	0.5963	0.6957
Utah	0.7018	0.7029
Vermont	0.7690	0.7130
Virginia	0.6229	0.6194
Washington	0.7146	0.7391
West Virginia	0.6427	0.5973
Wisconsin	0.7864	0.7804
Wyoming	0.7473	0.7852

#### Appendix A—Regulatory Impact Analysis

## I. Introduction

Executive Order (E.O.) 12291 requires us to prepare and publish a regulatory impact analysis for any final rule that meets one of the E.O. criteria for a "major rule"; that is, that will be likely to result in—

- An annual effect on the economy of \$100 million or more;
- A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

 Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In addition, we generally prepare a regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612), unless the Secretary certifies that a final rule will not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, we consider all hospitals to be small entities.

Also, section 1102(b) of the Act requires the Secretary to prepare a regulatory impact analysis for any final rule that may have a significant impact on the operations of a substantial number of small rural hospitals. Such an analysis must conform to the provisions of section 604 of the RFA. With the exception of hospitals located in certain rural counties adjacent to urban areas, for purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital with fewer than 50 beds located outside of a Metropolitan Statistical Area or New England County Metropolitan Area, as modified, for purposes of the prospective payment system, by section 601(g) of the Social Security Amendments of 1983 (Pub. L. 98-21). Section 1886(d)(8)(B) of the Act specifies that hospitals located in certain rural counties adjacent to one or more urban areas are deemed to be located in the adjacent urban area. We have identified 52 rural hospitals, some of which may be considered small, that we are classifying as urban hospitals.

It is clear that the changes being implemented in this document will affect both a substantial number of small rural hospitals as well other classes of hospitals, and the effects on some will be significant. Therefore, the discussion below, in combination with the rest of this final rule, constitutes a combined regulatory impact analysis and regulatory flexibility analysis in accordance with E.O. 12291, the RFA, and section 1102(b) of the Act.

Since we have not significantly altered our final policy from the proposed, the impact of this final rule will be virtually identical to the impact presented in our initial analysis. The only differences in this final analysis from the initial impact analysis are to reflect the availability of more recent data since publication of the proposed rule, and the receipt of public comments directed specifically at the initial impact

analysis. Thus, the following analysis revises those portions of the initial impact analysis that are affected by the availability of more recent and complete data and responds to the two comments that concerned the impact analysis.

II. Impact on Excluded Hospitals and Units

As of August 15, 1989, over 930
Medicare hospitals and nearly 1,700
units in hospitals included in the
prospective payment system currently
are paid on a reasonable cost basis
subject to the rate-of-increase ceiling
requirement of § 413.40. For cost
reporting periods beginning in FY 1990,
these hospitals will have their individual
target amounts increased by the hospital
market basket percentage increase. We
are projecting an increase in the hospital
market basket of 5.5 percent.

The effect this will have on affected hospitals and units will vary depending on each hospital's or unit's existing relationship of costs per discharge to its target amount, and the relative gains in productivity (efficiency) the hospital or unit is able to achieve. For hospitals and units that incur per discharge costs lower than their target amounts, the primary impact will be on the level of incentive payments made under § 413.40(d). A hospital may receive incentive payments for incurring costs that are lower than its target amount, but may not receive payments for costs that exceed the target amount. We expect the increased ceiling on payments would maintain existing incentives for economy and efficiency experienced by excluded hospitals and

III. Analysis of the Quantifiable Impact of Changes Affecting Rates and Payment Amounts

# A. Basis and Methodology of Estimates

The data used in developing the following quantitative estimates of changes in payments presented in Table I, below, are taken from FY 1988 billing data and hospital-specific data for FY 1986 and FY 1987. Our initial impact analysis used FY 1988 MEDPAR data received through December 1988 (approximately 9.7 million discharges). This final analysis relies on FY 1988 MEDPAR data received through June 1989 (approximately 10 million discharges). Also, for purposes of the final impact analysis, we have excluded the 37 Indian Health Service hospitals that receive payments under the prospective payment system from our hospital data base. These hospitals receive their own wage index and are

subject to special payment policies not applicable to any other group of hospitals under the prospective payment system. Because payments to these hospitals are not representative of payments to other hospitals, including them in the impact analysis produces some distortions in our quantitative analysis. By removing them from the data base, we believe the resulting impact estimates will more accurately reflect the effect on the remainder of the prospective payment hospitals of the policy changes being implemented.

With the exception of these changes in our analytical methodology, we are conducting the same analysis in this final rule as we performed in the initial analysis. As in the initial analysis, we compare the effects of changes being implemented in this document for FY 1990 to our estimate of the payment amounts in effect for FY 1989. In addition, we have treated all hospitals in our data base as if they had the same cost reporting period; that is, a cost reporting period coinciding with the Federal fiscal year. Furthermore, our model does not take into account any prospective, behavioral changes in response to this final rule.

The tables and the discussion that follow reflect our best effort to identify and quantify the effects of the changes set forth in this document. It should be noted, however, that as a result of gaps in our data, we are unable to quantify some of the effects of the proposed rule. Also, we could not use all the hospitals in the recalibration of outlier data sets for modeling the impact analysis because in some cases the hospitalspecific data necessary for constructing our impact model were missing. Data on hospital bed size and type of ownership were the data elements most frequently missing. The absent data prevented us from properly classifying and displaying these hospitals in the impact analysis. The missing data, however, did not prevent us from using the discharges from these hospitals in recalibrating the DRG weights or calculating the outlier payments that are included in the final

column of Table I showing the combined effects of all changes.

The following analysis examines the changes being implemented to the DRG weights and wage index separately. That is, all variables except those associated with the provision under examination were held constant so as to display the effects of each provision compared to the baseline (FY 1989) provisions. In the last column (column 3), we present the combined effect of all changes being implemented in this rule. That is, column 3 displays the combined effects of the previous two columns as well as the FY 1990 update factor and the updating of the outlier payment thresholds. As such, this last column is the only one in which the effects of all the quantifiable payment policy changes on simulated FY 1990 payments are reflected.

Consistent with the display of the impact presented in Table I, the following discussion is divided into two parts. The first part (columns 1 and 2) describes the effects of two major changes in this document: the annual changes to the DRG classification system and recalibration of the DRG weights required under section 1886(d)(4)(C) of the Act (including the adjustment for increased case mix); and replacement of the current wage index based on an equal blend of 1982 and 1984 wage data with a wage index based on 1984 wage data. The final section discusses the combined effect of all provisions of this rule.

Comment: One commenter suggested that the impact analysis include the effect of regulatory changes on payment to hospitals with varying proportions of Medicare utilization.

Response: We agree with the commenter that such an analysis would be useful and we have incorporated Medicare utilization as a category in our impact tables.

Comment: A few commenters suggested refining the impact analysis to include not only the effect of regulatory actions on payments to various classes of hospitals, but also the effect on hospital operating margins.

Response: To date, our analytical efforts have been retrospective in nature; that is, they are concerned with examining the historical record in efforts to trace the impact of the prospective payment system through perceived changes in hospital behavior. Any efforts to predict providers' response to the changes in payment rules contained in this document would take the form of speculation rather than rigorous analytical prediction. Because of limited data, we are confined to making general statements based on reasoned judgment as to the impact of specific policy changes. Since we cannot predict how hospitals will change their behavior in response to these rules, we do not believe that we can reliably project future hospital profit margins based on the data available to us.

For example, we use FY 1988 billing data to estimate the impact of changes in FY 1990 payments. The latest cost data available for predicting FY 1990 profit margins are from FY 1987.

Therefore, provider behavior changes in the recent past are not yet reflected in the data available to us, and future changes cannot be predicted. Moreover, our objective in an impact analysis is to access the probable direct consequences of changes being proposed or issued in final, not to evaluate the overall effects of the prospective payment system or to compare payments to expected costs.

In view of the problems we have experienced in quantifying impacts and attributing causality, we believe the approach we are taking in the impact analysis of measuring expected impacts on hospital payments is the most feasible one. We do not believe that we can reliably predict the impact of prospective payment system changes on future hospital profit margins. Therefore, we have focused our analysis on explaining the anticipated changes in hospital payment levels and the decisions that affected entities will have to consider.

TABLE I-IMPACT OF THE CHANGES BEING IMPLEMENTED IN THE PROSPECTIVE PAYMENT SYSTEM FOR FY 1990

	Number of hospitals 1	Recalibration change 2	Wage index change 3	All changes
		(1)	(2)	(3)
All Hospitals	5,557	-1.1	-0.1	3.7
Urban by Region	2,984	-1.0	-0.1	3.7
New England	182	-1.1	0.6	3.8
Middle Atlantic	381	-0.9	0.0	3.3
South Atlantic.	444	-1.1	0.0	3.8
East North Central.	540	-1.1	-0.7	3.1
East South Central	179	-1.0	-0.1	3.8
West North Central	200	-0.9	0.1	4.2
West South Central	374	-1.1	0.4	4.3

TABLE I-IMPACT OF THE CHANGES BEING IMPLEMENTED IN THE PROSPECTIVE PAYMENT SYSTEM FOR FY 1990-Continued

	Number of hospitals 1	Recalibration change ²	Wage index change ³	All changes
Our team and any of the state o	TWY.	(1)	(2)	(3)
Mountain	119	-1.0	-0.1	4.
Pacific	515	-1.0	0.0	4.
Puerto Rico	50	-1.5	-0.1	3.
Rural by Region	2.573	-1.7	-0.1	3.
New England		-15	0.4	4
Mid Atlantic		-1.5	-0.5	2
South Atlantic	343	-1.7	0.4	4
East North Central		-1.7	-0.1	3.6
East South Central	309	-1.8	0.2	3
West North Central		-2.0	-0.3	3
		-1.9	-0.6	3
West South Central				
Mountain	251	-1.8	0.0	3
Pacific		-1.6	-0.6	3
Puerto Rico	8	-2.1	-0.2	3
arge Urban Areas (populations over 1 million)		-1.0	-0.2	3
Other Urban Areas (populations with 1 million or fewer)	1,504	-1.1	0.1	3
Jrban Hospitals	2,984	-1.0	-0.1	3
0 to 99 Beds	696	-1.7	-0.1	3
100 to 199 Beds	779	-1.4	-0.1	3
200 to 299 Beds		-1.2	-0.1	3
300 to 499 Beds	611	-1.0	0.0	L wayours
400 plus Beds	271	-0.7	-0.1	
Rural Hospitals	2,573	-1.7	-0.1	3
0 to 49 Beds		-2.2	-0.1	
50 to 99 Beds		-1.9	-0.2	3
100 to 149 Beds	367	-1.8	-0.1	3
	150	-1.7	-0.2	3
150 to 200 Beds	1000000			4
200 plus Beds	149	-1.4	-0.0	
eaching Status:				11-
Nonteaching	4,417	-1.5	-0.1	3
Resident/Bed Ratio Less Than 0.25	920	-1.0	-0.1	3
Resident/Bed Ratio 0.25 or Greater	218	-0.5	0.0	
Alsproportionate Share Hospitals (DSH):	Land Land		THE REAL PROPERTY.	
Non DSH	4,070	-1.3	-0.1	3
Urban DSH 100 Beds or More	1,069	-0.9	-0.1	3
Urban DSH Fewer Than 100 Beds	131	-1.4	-0.1	1
Rural DSH	287	-1.8	-0.3	1000
Irban Teaching and DSH:	182 . 10	1 10 10 19 20	TA-NG	dobra mes
Both Teaching and DSH	578	-0.7	-0.1	3
Teaching Only	478	-0.9	-0.1	
DSH Only	622	-1.3	-0.1	1 11
Nonteaching and Non-DSH	1,306	-1.4	0.0	Lepine.
other Special Status (Rural):	1,300	-1.7	0.0	100000000000000000000000000000000000000
Sole Community Hospital (SCHs)	308	-1.9	0.1	
Burel Defend Contact (DOCs)		4 200	10000	
Rural Referral Center (RRCs)	195	-1.5	0.1	
Both SCH & RRC	23	-1.4	0.0	
ype of Ownership:				The second
Voluntary	3,021	-1.1	-0.1	O TAME
Proprietary	915	-1.3	0.1	
Government	1,552	-1.2	0.0	
ledicare Utilization as a Percent of Inpatient Days:			1 19/19	-
0 to 25	396	-0.8	-0.1	query mes
25 to 50	2,923	-1.1	0.0	wall hard
50 to 65	1,705	-1.3	-0.1	
Over 65	403	-1.4	-0.3	1
	130	100000000000000000000000000000000000000		I L. I C. L. L. L.

Because data necessary to classify some hospitals by category were missing, some hospitals were omitted from the analysis. Therefore, the total number of hospitals in each category may not equal the national total. Also, we have excluded Indian Health Service hospitals from our analysis because they are paid under special payment policies not applicable to any other hospitals under the prospective payment system.

2 Recalibration of the DRG weights and classification changes are based on FY 1988 MEDPAR data and are performed annually in accordance with section

² Recalibration of the DRG weights and classification changes are based on FY 1988 MEDPAR data and are performed annually in accordance with section 1886(d)(4)(C) of the Act. This column reflects the –1.22 percent adjustment in the DRG weights for the increase in the case-mix index attributable to DRG reclassification and recalibration. The –1.22 adjustment has a uniform impact on all hospitals.

³ The wage index constructed entirely from 1984 hourly wage data was compared to the current wage index which is based on a blend of 1982 and 1984 data. The wage index also reflects changes required by section 1886(d)(8)(C) of the Act (which was added by section 8403(a) of Pub. L. 100–647). This provision requires the Secretary to compute a separate wage index value for an urban or rural area if the wage index value for that area was reduced as a result of deeming the hospitals in certain rural counties as urban in accordance with section 1886(d)(8)(B) of the Act.

⁴ This column shows the combined effects of all the previous columns as well as the effects of updating the FY 1989 standardized payment amounts by the market basket increase as mandated by section 1886(b)(3)(B)(i) of the Act. Also, FY 1989 baseline payments reflect an estimate of outlier payments at 5.7 percent in contrast to the 5.1 percent set for the outlier pool. This estimate of payments from the outlier pool is exclusive of the approximately 1.0 percent additional outlier payments that result from the elimination of the day limitation on inpatient hospital services under Pub. L. 100–360. Because our total FY 1990 estimated payments do not perpetuate this 0.6 percent excess of outlier payments relative to the outlier pool, this column captures certain interactive effects that we are not able to quantify. able to quantify.

B. Changes to the DRG Classification System and Recalibration of the DRG Weights, and Changes to the Wage Index

In Column 1, we present the combined effects of revising the current DRG definitions and recalibrating the weights to reflect changes in practice patterns, modes of treatment, and new technologies as required each year by section 1886(d)(4)(c) of the Act. These changes are described in section II.C. of the preamble to this rule. (The DRGs that have been recalibrated for this analysis also reflect, insofar as possible. the changes to the DRG classification system set forth in section II.B. of the preamble of this final rule.) As part of recalibrating and normalizing the DRG weights, we are adjusting all the DRG weights to correct for increases in the average case-mix index that have resulted from past GROUPER modifications. As explained in detail in section II.C. of the preamble to this final rule, we are reducing each DRG weight by 1.22 percent over what it would have been without this adjustment. Thus, in the following analysis, we compared estimated FY 1989 hospital payments using an estimate of each hospital's case-mix index based on the current DRG classifications and weighting factors to FY 1989 simulated payments using an estimate of each hospital's case-mix index based on the new DRG classifications and recalibrated weighting factors.

Nationally, revision to the DRG weights being implemented for FY 1990, with all other variables held constant, produce a 1.1 percent decrease in payments per case. However, within certain census divisions and among certain types of hospitals, DRG reclassification and recalibration appears to have a differential impact on hospital payments as a result of shifts in the relative weights among DRGs. In analyzing these shifts, we found that the DRGs with increased relative weights tended to be more expensive initially (higher weighted) than the DRGs with decreased relative weights. Since rural hospitals have a lower case mix, one result is that the average case weight for rural hospitals will decrease relative to the average case weights for urban hospitals. Consequently, reclassifiying and recalibrating DRGs will have a disproportionate impact on rural hospitals. The average reduction in payments to rural hospitals will be about 1.7 percent compared to an average reduction of about 1.0 percent for urban hospitals when we hold other payment variables constant. Holding all other payments variables constant, rural hospitals with fewer than 50 beds will experience a reduction in payments of 2.2 percent. Holding all other payment variables constant, sole community hospitals and other rural hospitals would experience payment reductions of about 1.4 percent.

The fact that DRG reclassification and recalibration has the greatest impact on small rural hospitals and sole community hospitals may explain the larger than average reductions for rural hospitals in the West North Central and West South Central census divisions. The majority of small hospitals and sole community hospitals are located in these areas.

Column 2 of Table II displays the estimated effects of changes to the wage index in this rule. As discussed in section III of the preamble, we are basing the wage index required under section 1886(d)(3)(E) and 1886(c)(9)(B)(vi) of the Act entirely on 1984 gross hourly wage data rather than on an equal blend of an index based on 1982 data and one based on 1984 data (as described in section III.B. of the preamble to this final rule). The wage index values also reflect changes required by section 1886(d)(8)(C) of the Act (which was added by section 8403(a) of the Technical and Miscellaneous Revenue Act of 1988 (Pub. L. 100-647)). This provision requires the Secretary to compute a separate wage index value for an urban or rural area if the wage index value for that area was reduced as a result of deeming hospitals in certain rural counties as urban in accordance with section 1886(d)(8)(B) of the Act (see section III.C. of the preamble to this final rule).

The changes to the wage index will have no significant effect on overall payments. The effect on hospitals in different geographic areas varies from an average 0.6 increase in payments for hospitals in the urban areas of the New England census division to a 0.7 reduction in payments for hospitals located in the urban localities of the East North Central census division. Generally, the new wage index changes will have the same effect on the overall distribution of payments to other urban and rural hospitals. The changes to the wage index will have slight effect on rural hospitals with fewer than 50 beds equal to the effect on all hospitals.

## C. Combined Effects

Column 3 of Table I shows the FY 1990 rates that incorporate the combined effects of all the changes we are able to quantify. In addition to the changes described in columns 1 and 2, column 3 reflects the update factors mandated under section 1886(b)(3)(B)(i) of the Act.

Because Column 3 combines the FY 1990 payment rates and all other changes, the effects displayed also include the payment offset for outlier payments required under section 1886(d)(5)(A)(iv) of the Act. This provision requires that total outlier payments should not be less than five percent nor more than six percent of total prospective payments. In our analysis, similar to the analysis for FY 1989, we have set outlier thresholds and offset urban and rural rates for outliers so as to yield estimated outlier payments for FY 1990 equal to 5.1 percent of total DRG payments. In addition, sections 1886(d)(3)(B) and (d)(9)(b)(iv) of the Act requires that the urban and rural rates be offset by the same percentage of total payments that are outlier payments for urban and rural hospitals, respectively. Based on the most recent discharge data available, however, we anticipate that total outlier payments for FY 1989 (exclusive of the impact of the Medicare Catastrophic Coverage Act of 1988 (Pub. L. 100-360)) will equal 5.7 percent of total prospective payments, instead of the 5.1 percent accounted for by the offsets to the current rates. Therefore, column 3 also reflects a reduction of 0.6 percent in payments compared to FY 1989 payments because the FY 1989 baseline payments are overstated by the 0.6 percent outlier payments in excess of the outlier offsets reflected in the FY 1989 standardized amounts. The 5.7 percent estimate of payments from the outlier pool is exclusive of the additional outlier payments that result from the elimination of the limitation on inpatient hospital services under section 101 of Pub. L. 100-360. Outlier payments resulting from the provisions of Pub. L. 100-360 are estimated at 1.0 percent of total DRG payments, resulting in an estimated 6.7 percent in total FY 1989 outlier payments. We estimate that the additional outlier payments resulting from the changes made by Pub. L. 100-360 will be 1.3 percent in FY 1990 and will result in FY 1990 outlier payments equal to 6.4 percent of total DRG payments.

Nationally, the effects of all changes we are making are expected to result in a 3.7 percent payment increase.

Geographically, hospitals in rural areas of the South Atlantic census division and urban localities in the West South Central census division will receive the largest percentage increase in prospective payments of 4.3 percent. However, hospitals in rural areas of the Pacific census division and urban

hospitals in the East North Central census division could expect only a 3.1 percent increase over FY 1989 payments.

Generally, urban hospitals will receive a payment increase averaging 3.7 percent (the national average) while the average increase for all rural hospitals would be 3.5 percent. Among rural hospitals, it appears that hospitals with over 200 beds would receive an increase in payments of 4.2 percent while hospitals with fewer than 50 beds would receive an increase of about 3.0 percent.

Among the different types of hospitals, rural referral centers will receive the largest increase in payments (5.2 percent) while disproportionate share hospitals located in rural areas will receive the smallest payment increase (2.8 percent). Sole community

hospitals will receive an increase of about 3.4 percent. Type of ownership does not appear to be a factor influencing payment increases. Hospitals grouped by type of control (voluntary, proprietary and government) would receive payment increases at or near the national average percentage increase. Hospitals that have high Medicare utilization (hospitals with more than 65 percent Medicare patient days) can expect an average payment increase of about 3.5 percent while hospitals with between 25 and 50 percent Medicare patients days can expect an average payment increase of about 3.8 percent.

We must point out that there are interactions that result from the combining of the various separate provisions analyzed in the previous columns that we are unable to isolate. Thus, the values appearing in column 3 do not represent merely the additive effects of the previous columns plus the update factors.

Table II presents the projected FY
1990 average payments per case for
urban and rural hospitals and for the
different categories of hospitals shown
in Table I, and compares them to the
average estimated per case payments
for FY 1989. As such, this table presents
the combined effects of the changes
presented in Table I in terms of the
average dollar amounts paid per
discharge. That is, the percentage
change in average payments from FY
1989 to FY 1990 equals the percentage
changes shown in the last column of
Table I.

TABLE II.—COMPARISON OF PAYMENT PER CASE

[FY 1990 Compared to FY 1989]

Control of the state of the sta	Number of hospitals	Average FY 1989 payment per case	Average FY 1990 payment per case	Percentage Change 1
pulation accept the company of the complete the last only a paker reduction	2400	(1)	(2)	(3)
All Hospitals.	5,557	4,598	4,767	3.7
Urban by Region	2,984	5,065	5,252,431	3.7
New England	182	5,065	5,231	3.8
Middle Atlantic	381	5,645	5,832	3.3
South Atlantic	444	4,632	4.807	3.8
East North Central	540	5,007	5,162	3.1
East South Central	179	4,308	4,469	3.8
West North Central	200	5,103	5,316	4.2
West South Central	374	4,640	4,839	4.3
Mountain	119	5,006	5,204	4.0
Pacific	515	5,789	6.026	4.1
Puerto Rico	50	2,039	2,111	3.5
Rural by Region	2,573	2,956	3.060	3.5
New England	61	3,568	3,712	4.0
Middle Atlantic	91	3,362	3,444	2.4
South Atlantic	343	2,999	3,128	4.3
East North Central	332	3,024	3,132	3.6
East South Central	309	2,605	2,690	3.3
West North Central	578	2,811	2,900	3.2
West South Central	434	2,727	2,822	3.5
Mountain	251	3,102	3,221	3.9
Pacific	166	3,667	3,780	3.1
Puerto Rico	8	1,543	1,589	3.0
Large Urban Areas (population over 1 million)	1,480	5,518	5,714	3.6
Other Urban Areas (populations with 1 million or fewer)	1,504	4,593	4,772	3.9
Urban Hospitals	2,984	5,065	5,252	3.7
0-99 Beds	696	3,864	3,992	3.3
100-199 Beds	779	4,318	4,467	3.5
200-299 Beds	580	4,716	4,888	3.6
300-499 Beds	611	5,143	5.337	3.8
400 + Beds	271	6,082	6,315	3.8
Rural Hospitals	2,573	2,956	3,060	3.5
0-49 Beds	1,061	2,510	2,585	3.0
50-99 Beds	832	2,684	2,768	3.1
100-149 Beds	367	2,902	3,008	3.6
150-200 Beds	150	3,161	3,263	3.2
200 + Beds	149	3,503	3,650	4.2
Teaching Status	149	3,503	3,050	4.2
Nonteaching	4,417	3,836	3,973	3.6
Resident/Bed Ratio Less than 0.25	920	5,089	5,277	3.7
Resident Bed Ratio 0.25 or Greater	218	7,607	7,907	3.9
Disproportionate Share Hospitals (DSH)	210	7,007	7,007	0.0
Non-DSH	4,070	4,169	4,322	3.7
Urban DSH 100 Beds or More	1,069	5,586	5,792	3.7
Urban DSH Fewer than 100 Beds	131	4.229	4,366	3.2
Rural DSH	131	2,833	4,000	2.8

# TABLE II.—COMPARISON OF PAYMENT PER CASE—Continued

[FY 1990 Compared to FY 1989]

	Number of hospitals	Average FY 1989 payment per case	Average FY 1990 payment per case	Percentage Change 1
La villestatet et	un an a	10	141	(3)
Urban Teaching and DSH	Allen			
Both teaching and DSH	578	6,163	6.393	3.7
Teaching Only	478	5,266	5,466	3.8
DSH Only	622	4,538	4,700	3.6
Nonteaching and Non-DSH		4,264	4,418	3.0
Other Special Status (Rural)	1,000	7,207	4,410	The State of the S
Sole Community Hospital (SCHs)	308	2,948	3.049	3
Rural Referral Center (RRCs)	195	3,570	3,756	5.
Both SCH & RRC.	23	3,616	3,761	4.
Type of Ownership	20	3,010	5,701	The state of the s
Voluntary	3,021	4,773	4,946	3.
Proprietary		4,106	4,264	3.
				3.
Government	1,552	4,176	4,331	3.
	000	0.000		
0-25		6,086	6,310	3.
25-30	2,923	4,803	4,983	3.
50-85	1,705	4,060	4,201	3.
Over 65	403	3,865	3,999	3.

¹ Percentage changes shown in this column are taken from Table 1, column 3. Because the dollar amounts shown in this table are rounded to the nearest dollar, percentage changes computed on the basis of these amounts will differ slightly from those displayed in this column.

#### Appendix B—Final Recommendation of Update Factors for Rates of Payment for Inpatient Hospital Services

Section 1886(e)(4) of the Act, as amended by section 4002(f) of Pub. L. 100-203, requires that the Secretary, taking into consideration the recommendations of ProPAC, recommend update factors for FY 1990 that take into account the amounts necessary for the efficient and effective delivery of medically appropriate and necessary care of high quality. Section 1886(e)(4) of the Act also applies to the target rate-of-increase limits for hospitals excluded from the prospective payment system.

As required by section 1886(e)(5) of the Act, we published the initial recommended FY 1990 update factors that are provided for under section 1886(e)(4) of the Act as Appendix C of the proposed rule (54 FR 19747). We recommended that the prospective payment rates be increased, on average, by an amount equal to the market basket percentage increase minus 1.5 percentage points. Based on the forecasted hospital market basket increase at the time the proposed rule was published, that is, 5.8 percent, the recommended update was 4.3 percent on average.

However, in making that recommendation, we stated that differential updates for hospitals in rural, large urban, and other urban areas would be more appropriate than a uniform update to the payment amounts. Therefore, we strongly recommended a higher update for hospitals located in

rural areas. We also recommended that hospitals located in large urban areas receive a higher update than hospitals located in other urban areas. In addition, we recommended a higher update to the target rate-of-increase limits for hospitals excluded from the prospective payment system than the average update of the market basket increase minus 1.5 percentage points.

In recommending these increases, we took into account the requirement in section 1886(e)(4) of the Act that the amounts be high enough to ensure the efficient and effective delivery of medically appropriate and necessary care of high quality. In addition, as required by section 1886(e)(4) of the Act, we addressed ProPAC's Recommendations 1 through 7, which concern updating the standardized amounts and the rate-of-increase limits. Also, we requested public comment on our recommendation.

We note that although we recommended appropriate update factors, requested and received public comments on these recommendations, and are providing a final recommendation, Congress actually prescribed the update factors to be used in FY 1990 in section 1886(b)(3)(B)(i) of the Act, as amended by section 4002(a) of the Omnibus Budget Reconciliation Act of 1987 (Pub. L. 100-203). That is, as explained in the addendum to this final rule, the applicable percentage increase for FY 1990 for inpatient hospital services for hospitals subject to the prospective payment system is equal to the market basket rate of increase

forecasted for FY 1990. The most recent forecasted hospital market basket increase for FY 1990 is 5.5 percent. Therefore, the applicable percentage increase for prospective payment hospitals is 5.5 percent.

For cost reporting periods beginning on or after October 1, 1989, and before October 1, 1990, section 1886(b)(3)(B)(ii) of the Act, as amended by section 4002(e) of Pub. L. 100–203, provides that the applicable percentage increase for hospitals and hospital units excluded from the prospective payment system equals the hospital market basket rate of increase. As noted above, the most recent forecasted market basket increase is 5.5 percent; therefore the increase in these hospitals and hospital units target rate is also 5.5 percent.

We received serveral items of correspondence during the public comment period concerning our initial recommendation. After consideration of all the arguments presented, we have decided that our final recommendation will be the same as our initial recommendation. That is, we recommend that, on average, all hospitals receive an update in their payments for FY 1990 equal to the market basket percentage increase minus 1.5 percentage points. Based on the most recent forecasted hospital market basket increase of 5.5 percent, our recommended update is 4.0 percent on average.

To date, our analyses indicate that, while hospitals nationally continued to have positive Medicare operating margins on average in the fourth year of the prospective payment system, these levels have fallen from the high operating margins experienced in the first 2 years of that system. For this reason, we believe a prospective payment system update somewhat higher than the updates in past years is generally appropriate in order to ensure the availability of high quality care to Medicare beneficiaries. However, we believe that an average update factor lower than the market basket rate of increase is needed to continue to encourage hospitals to better control their costs.

Although we are recommending an update that averages the market basket percentage increase minus 1.5 percentage points for all prospective payment system hospitals, we recommend differentiation of the update according to the geographic classification of the hospital. We strongly recommend a higher update for hospitals located in rural areas. We also recommend that hospitals located in large urban areas (that is, those with a population exceeding 1,000,000) receive a higher update than hospitals located in other urban areas.

We are recommending differential updates based on geographic classification of hospitals as a result of our research on hospitals Medicare operating margins and our analysis of the impact the FY 1990 rates (based on a uniform update) will have on hospitals. While overall margins in FY 1987, the latest period for which we have complete data, were 5.3 percent, we found a disparity between urban and rural margins. Urban hospitals had FY 1987 inpatient Medicare operating margins of 6.3 percent. Rural hospital operating margins were -0.2 percent. Further, rural hospitals under 50 beds, which constitute 40 percent of rural hospitals, experienced, on average, operating margins of -2.9 percent. Because of our concerns with respect to the financial viability of rural hospitals. we believe that a higher update is appropriate. For hospitals in large urban areas, our data suggest that inpatient operating margins are declining as compared to the operating margins of hospitals in other urban areas, although such margins remain positive. For FY 1987, our data indicate that hospitals in large urban areas experienced margins of 5.8 percent as compared to 6.8 percent for hospitals in other urban areas. In view of the differences between costs per case and payments per case and the lower average Medicare operating margins in large urban areas, we believe that hospitals in large urban areas

should receive a higher update than hospitals in other urban areas.

The FY 1990 rates are based on a uniform update equal to the percentage increase in the market basket, currently estimated at 5.5 percent. However, because of changes to the DRG weights and the wage index, as well as a reduction in outlier payments over current estimated FY 1989 levels, the FY 1990 rates will have a differential impact on hospitals according to geographic location. The net effect of all changes would be to increase payments to rural hospitals by 3.5 percent, to large urban hospitals by 3.6 percent, and to other urban hospitals by 3.9 percent. The net effect of all changes in this final rule, including the current law update, is a differential impact that is the opposite of the impact that would be appropriate based on the analysis of Medicare operating margins. Implementation of a higher update for rural hosptials and for large urban hosptials would reverse this effect.

Comment: Some commenters expressed concern that the update factor recommended by the Secretary did not include a discussion or presentation of the data used to form the basis of our recommendation and that the Secretary's recommendation was driven purely by budgetary requirements.

Response: While we have recommended an update to the prospective payment rates that is consistent with the Administration's budget proposal, our recommendation has analytic support. As in the past, we view the factors to be considered by the Secretary as a combination of hospital inputs, outputs, and outcomes.

The technical factors associated with the input and output portions of the update that we have considered include such items as the input costs faced by hospitals (that is, the hospital market basket), hospital productivity, advances in science and technology, and changes in the nature of the practice patterns in hosptials. The productivity measure represents a future-oriented standard that incorporates expected savings based on established productivity goals. At the beginning of the prospective payment system update process, HCFA established a conservative standard for hospital productivity increase of 1.0 percent per year and, therefore, used a 1.0 percent adjustment for productivity increases. In the short run, any increases in productivity in excess of 1.0 percent would be kept by hospitals as increases in the operating margin. Increases in productivity of less than 1.0 percent would be discouraged

by this standard as it affects hospital payment rates. Hospitals have made substantial increases in productivity since the implementation of the prospective payment system, and we believe that productivity gains can and should continue.

With respect to technological advances, we have relied on the results of several studies. ProPAC's study on the operating costs of new science and technology indicated that most new technologies are substitutes for old technologies and in many cases are less expensive. Other studies have shown the cost of the top 100 technologies to be relatively small in the absolute. While it appears that new devices and diagnostic procedures tend to have only a small impact on overall hospital costs, we believe it is appropriate to encourage hospitals to use health-enhancing new technologies and that a small adjustment for new technologies is appropriate.

We continue to measure for practice pattern changes based on changes in average length of stay since the beginning of the prospective payment system. We note that this represents a crude measure that does not capture all changes in practice patterns that have occurred. Average length of stay declined dramatically during the first years of the prospective payment system, but has gradually increased in the last few years. However, we believe an adjustment of as much as -0.84 percent for cumulative changes in practice patterns would be appropriate.

We have not developed an adjustment for case-mix changes as part of our recommended update because of the inherent difficulties in measuring real case-mix changes versus coding improvements. While average case mix continues to increase, we recognize that much of the upcoding noted in earlier years has leveled off. However, we agree with ProPAC's assessment that not all of the case-mix increase is attributable to increases in case complexity and that some coding improvements continue to be reflected in the observed case-mix increase.

Of the various factors that are considered in the update recommendation, outcomes are particularly difficult to analyze. For this reason, HCFA has recommended close monitoring of indicators such as the level of preventable deaths, premature discharge, and substandard regimens of care. The Secretary and the Congress have had to make subjective judgment on how these factors affect the final update amount.

Taking all these factors into account, we believe our recommended average update amount for FY 1990 of market basket percentage increase minus 1.5 percent is appropriate and that an average update factor lower than the market basket rate of increase is needed to continue to encourage hospitals to better control their costs.

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